

REGULAR MEETING

APRIL 8, 2019

TIME: 8:00 PM

IN CITY COUNCIL

ABSENT

LOCATION: CITY HALL, 140 MAIN STREET, 2<sup>ND</sup> FLOOR

CONVENED:

ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 APR -4 P 2:00

1. Minutes, City Council Meeting, March 25, 2019.
2. PUBLIC HEARING On the Application for Special Permit from Fabricio DaSilva, to construct a new 5 x 18 front porch on an existing structure, 3 Jonas Court, Order No. 19-1007570.
3. PUBLIC HEARING On the Proposed Zoning Ordinance Amendment, Chapter 650, §5, §17, §18 & §48 relative to adding Food Trucks to the Table of Uses, Order No. 19-1007543.
4. PUBLIC HEARING On the Proposed Zoning Map Amendment from Attorney Brian Falk on behalf of St. Mary's Credit Union, re: Rezoning of land located on John Street, Order No. 19-1007569.
5. PUBLIC HEARING On the Application for Special Permit from Attorney Brian Falk, on behalf of E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street, Order No. 19-1007571.
6. Communication from Councilor Ossing, re: Municipal Aggregation – Six-month fixed price contract with DYNEGY, May, 2019 through October, 2019.
7. Communication from the Mayor, re: Transfer Request in the amount of \$699,088.00 which moves funds from Economic Development to MEDC Funding to fund the FY20 operations.
8. Communication from the Mayor, re: Reimbursement Acceptance for the Fire Department in the amount of \$7,409.02 from FEMA for storm expenditures from the snow event of March 13, 2018.
9. Communication from the Mayor, re: Donation Acceptance in the amount of \$3,000.00 for the Fire Department from Dwayne Thompson, Michael Burnell and Andrew Eick of Cummings Properties, LLC to be used for employee appreciation.
10. Communication from the Mayor, re: Donation Acceptance in the amount of \$20.00 for the Police Department from Marilyn Gaudette to be used for summer programs.
11. Communication from the Mayor, re: Reconsideration of Order No. 18-1007441A, Electric Vehicle Charging Stations.
12. Communication from City Solicitor, Donald Rider, re: Special Permit for Marc Buchan, to demolish the existing one story single-family dwelling and construct a new two-story single-family dwelling on the same foundation footprint at 180 Cullinane Drive, in proper legal form, Order No. 19-1007512B.
13. Communication from City Solicitor, Donald Rider, re: Proposed Zoning Ordinance Amendment, Chapter 650 §22 & §5, relative to Multifamily Retirement Community, 90 Crowley Drive, in proper legal form, Order No. 18/19-1007452D (X18-1007198G).

**Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.**

14. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650 which will create the Executive Residential Overlay District in the Simarano Drive and Cedar Hill Road area, Order No. 19-1007533A.
15. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment, land off Valley Street, Order No. 19-1007552A.
16. Communication from the Planning Board, re: Decision for Colbea Enterprises, LLC, Request for Sign Variance, 342 Boston Post Road East.
17. Application for Renewal of Junk Dealer/Second Hand Dealer License, TVI, Inc., d/b/a Savers, 222A East Main Street.
18. Petition from MA Electric to install a new pole 47-84 to use as a stub pole for poles 47 and 47-5 on Bolton Street.
19. Minutes, School Committee, March 12, 2019.
20. Minutes, Board of Assessors, March 20, 2019
21. Minutes, Conservation Commission, March 7, 2019.
22. Minutes, Council on Aging, February 11, 2019.
23. Minutes, Historical Commission, March 7, 2019.
24. Minutes, License Board, February 11, 2019, February 27, 2019 & March 21, 2019.
25. Minutes, Planning Board, March 11, 2019.
26. Minutes, Retirement Board, February 26, 2019.
27. Minutes, Traffic Commission, February 27, 2019.
28. CLAIMS:
  - a) Meryl Cheney, 5 Whispering Pine Drive, Milford, pothole or other road defect.
  - b) Andrea Kotufo, 103 Cook Lane, pothole or other road defect.
  - c) Christine McCarthy, 73 Wayside Inn Road, residential mailbox claim (2b).

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

##### From Personnel Committee

29. **Order No. 19-1007527: Reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval.** Patricia Pope has been a Marlborough resident for the past thirty-two years, worked in and around the community during that time, and has been at the Senior Center for just over three years. She provided an update for the second-floor renovations which will help with the forty-five to fifty programs they run per week for their 1,720 members. **Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval. The motion carried 3-0.**



From Finance Committee

30. **Order No. 19-1007578A – Revision to Municipal Aggregation Order:** The Finance Committee reviewed the Order submitted by Councilor Ossing on February 25, 2019 to revise the Municipal Aggregation Order No. 17-1006881. The revised order will allow the City to enter into longer electrical supply contracts to provide stability and predictability for electrical supply rates while potentially providing greater savings to Marlboro residents than the current process. **The Finance Committee voted 5 - 0 to approve the following revised Municipal Aggregation order:**
1. This order supersedes Order No. 17-1006881 dated April 10, 2017.
  2. The goal of the Ad-Hoc Municipal Aggregation Committee is to obtain competitive electric supply offers that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period.
  3. Establish an Ad-Hoc Municipal Aggregation Committee that will review competitive electric supply agreements and make recommendations to the Mayor. The Municipal Aggregation Committee will consist of 5 members including:
    - The Mayor
    - Two City Councilors (appointed by the City Council President)
    - The Chief Procurement Officer
    - The DPW Commissioner (or designee)
    - A quorum shall consist of a minimum of 3 members
  4. The Ad-Hoc Municipal Aggregation Committee will provide periodic updates to the City Council on Municipal Aggregation implementation.
  5. All suppliers of electricity licensed by the Department of Public Utilities and qualified to do business in the Commonwealth of Massachusetts can participate in the City's Municipal Aggregation Program.

From Urban Affairs Committee

31. **Order No. 18/19-1007452D (X19-1007198G): Proposed Zoning Ordinance Amendment, Chapter 650 §22 & §5, relative to Multifamily Retirement Community, 90 Crowley Drive.** The Urban Affairs Committee met with William Pezzoni of Day Pitney, LLP and Brian Blaesser of Robinson + Cole for a review of their proposed zoning petition relative to a Multifamily Retirement Community at 90 Crowley Drive. They previously appeared at Urban Affairs Committee on March 12, 2019 and there were no objections to their proposal, but several councilors were unable to attend, and the Chairman wished to provide them the opportunity to speak with the proponents. Mr. Pezzoni reviewed the map of the proposed zoning area and the text description with Councilors and noted where they had inadvertently deleted Pleasant Street and should have included West Hill Road. They also had previously discussed traffic and parking and there were no further questions about the proposed zoning amendment. **Motion made by Councilor Doucette, seconded by the Chair, to approve the proposed zoning ordinance as amended. The motion carried 5-0. Motion made and seconded to refer to the Legal Department to place in proper legal form. The motion carried 5-0.**

32. **Order No. 19-1007512B: Application for Special Permit from Marc Buchan to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint, 180 Cullinane Drive.** The Urban Affairs Committee met with Marc Buchan on his request to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint at 180 Cullinane Drive. Mr. Buchan explained he purchased the property three-years prior and wished to build a new two-story, two-bedroom, single-family home on the existing footprint. The property required extensive clean-up which he performed and now wants to build a new house on the site. The ward councilor, President Clancy, gave a history of the site and supported the applicant's proposal. City Solicitor Rider suggested the following two amendments as noted in *italics* below:

Construction in Accordance with Applicable Laws. *Demolition and* construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings as may be subject to minor modifications with *prior written* approval of the Building Commissioner.

City Solicitor Rider suggested inclusion of a condition that "All work performed at the site shall be in compliance with this special permit decision."

**Motion made by Councilor Doucette, seconded by the Chair, to amend the special permit decision as suggested by the City Solicitor and refer back to Council with a favorable recommendation. The motion carried 4-0.**

33. Communication from City Solicitor, Donald Rider, re: Request for Executive Session to discuss litigation strategy involving a property off Williams Street.



RECEIVED  
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CITY OF MARLBOROUGH

2019 APR -1 P 1:55

CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Steven W. Kerrigan  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723

**MARCH 25, 2019**

Regular meeting of the City Council held on Monday, March 25, 2019 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juairé, Oram, Ossing, Robey, Delano, Doucette, Dumais, Irish and Landers. Absent: Tunnera. Meeting adjourned at 9:05 PM.

ORDERED: That the Minutes of the City Council meeting, MARCH 11, 2019, **FILE**; adopted.

ORDERED: That the Minutes of the Special City Council Meeting, MARCH 18, 2019, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Proposed Zoning Map Amendment from Peter Bemis on behalf of Stephen Vigeant, Trustee 22 Englewood Trust, re: Rezoning land off Mill Street South, Order No. 18/19-1007484A, all were heard who wish to be heard, hearing closed at 8:25 PM; adopted.

**Councilors Present: Delano, Doucette, Dumais, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.**

**Councilors Absent: Tunnera.**

ORDERED: That the PUBLIC HEARING On Petition from Massachusetts Electric, to install 461 feet of underground primary from P13 on Framingham Road up to Pad 1-99 on Beverly Drive and to install 262 feet of underground secondary from Pad 1-99 to HH 0-2, all work to remain in the public way, Order No. 19-1007568, all were heard who wish to be heard, hearing closed at 8:36 PM; adopted.

**Councilors Present: Delano, Doucette, Dumais, Irish, Clancy, Landers, Juairé, Oram, Ossing & Robey.**

**Councilors Absent: Tunnera.**

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 473, ENTITLED "POLES, WIRES AND CONDUITS," AS FOLLOWS:

- I. By adding to Chapter 473 a new Article III, entitled "Small Cell Wireless Facilities within Public Rights of Way," as follows:



**Sec. 473-27. Purpose.**

- A. The purpose and intent of this Article III is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of small cell wireless telecommunications facilities in the City of Marlborough. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with small cell wireless facilities. This Article III provides standards necessary to:
- (1) preserve and promote harmonious land uses and the public rights of way in the City;
  - (2) promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the City;
  - (3) provide for the orderly, managed, and efficient development of small cell wireless telecommunications facilities in accordance with federal and state laws, rules, and regulations; and
  - (4) encourage new and more efficient technology in the provision of small cell wireless telecommunications facilities.
- B. This chapter is not intended, nor shall it be interpreted or applied, to:
- (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
  - (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management;
  - (3) unreasonably discriminate among providers of functionally equivalent services;
  - (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; or
  - (5) otherwise authorize the City to preempt any applicable federal or state law.

**Sec. 473-28. Application Process.**

Applications for permits to install small cell wireless facilities shall be processed as follows.

- A. Fees. Applications shall be submitted to the City Council by filing with the City Clerk's Office in accordance with subsection D below, accompanied by the application filing fee of \$500.00 per application, payable to the City of Marlborough. The \$500.00 fee will cover up to five (5) locations. Each application for more than 5 installations is subject to a separate fee of \$100.00 per installation.
- B. Public Hearing Notices. The applicant must also pay for legal notices of the public hearing to be mailed to abutters directly abutting, and across the street from, the property where the pole for the proposed small cell wireless facility currently is, or is proposed to be, located. The applicant is responsible for obtaining the abutters list for each pole location contained within the application.

- C. Pre-Submittal Verification by DPW Engineering. No application will be filed as provided in subsection D below unless and until the Engineering Division of the City's Department of Public Works ("DPW Engineering") shall have first verified that the applicant has assembled, to DPW Engineering's satisfaction, all of the application contents listed in subsection E below.
- D. Payment of Application Filing Fees and Number of Application Copies. The applicant shall pay all application filing fees to the City Clerk's Office and shall file the following number of sets of application materials at the offices set forth below:

Number of Sets	Office
3	City Clerk's Office
1	City Engineer
1	Building Commissioner
12	City Council Office

- E. Contents of Application. Applications shall include the following information:
- (1) Applicant's name, address, telephone number and email address.
  - (2) Names, addresses, telephone numbers, and email addresses of anyone acting on behalf of the applicant with respect to the application.
  - (3) Detailed drawings and descriptions of the equipment to be mounted on the pole(s) in question, including:
    - a. Type of equipment;
    - b. Specifications of equipment (including but not limited to dimensions and weight);
    - c. Equipment mount type and material;
    - d. Power source or sources for equipment, including necessary wires, cables, and conduit;
    - e. Expected life of equipment;
    - f. Coverage area of equipment, including:
      - i. Amount of antennas
      - ii. Antenna model
      - iii. Antenna length
      - iv. Antenna height
    - v. Typical coverage area radius;
    - g. Hardening, including:
      - i. If there is a battery backup
      - ii. If there is a generator backup; and
    - h. Renderings/photo simulations and elevation of equipment.
  - (4) Detailed map with locations of the poles on which equipment is to be located, including specific pole identification number, if applicable, and the geographic areas the equipment will service.
  - (5) Detailed map showing existing and proposed small cell installations within 500 feet of the application site.
  - (6) Certification by a registered professional engineer that the pole will safely support the proposed equipment.

- (7) Written consent by the pole owner to the proposed installation.
  - (8) Affidavit from a radio frequency engineer outlining the network/network service requirements in Marlborough and how each installation addresses that need in Marlborough. Such affidavit should characterize, through or with coverage maps, the current level of coverage and how the desired installation(s) will change the current level of coverage, including current and proposed coverage, and the breakdown of “excellent,” “good,” and “poor” reception areas.
  - (9) Liability insurance certificate, naming the City of Marlborough as an additional insured.
  - (10) Description as to why the desired location is superior to other similar locations, from a community perspective, including but not limited to:
    - a. Visual aspects; and
    - b. Proximity to single-family residences.
  - (11) Description of efforts to locate the equipment on existing poles which currently exist or are under construction. A good faith effort to locate on such poles is required and evidence of such efforts must be included within the application.
  - (12) An affidavit from the applicant which certifies that it will maintain the installations in good repair and according to FCC standards, and will remove any installation not in such good repair, or not in use, within sixty (60) days of being no longer in good repair or no longer in use.
- F. Placement of Application on Agenda. Once the application has been submitted and all filing fees have been paid, the City Clerk’s Office will place the application on the City Council agenda for the scheduling of a public hearing.
- G. Shot Clocks. The City Council shall have sixty (60) days from the application’s filing date for processing an application for collocation of a small cell wireless facility using a pre-existing pole, and ninety (90) days for processing an application for attachment of small cell wireless facility proposing a new pole. These shot clocks may be extended by mutual written agreement of the City Council and the applicant, such agreement to be timely filed with the City Clerk’s Office and a copy of that filing to be submitted for informational purposes on the agenda for the next regular Council meeting; provided, however, that by vote of the standing Council committee to which any given application has been referred by the full Council, that committee may, by simple majority vote at a duly noticed public meeting, authorize the following committee members to sign the written extension agreement on behalf of the full Council: a) the chairman of the committee; or, b) in his or her absence or incapacity, its vice-chairman; or, c) when a quorum of the committee is otherwise not present, the Council President or Vice-President sitting for that meeting as an ex officio member of that committee.



- H. Council Decision. The City Council may grant, grant with conditions, or deny the application based on inadequate capacity of the pole or mounting structure, safety concerns, reliability concerns, failure to meet applicable engineering standards, and/or failure to meet applicable aesthetic requirements as hereinbelow set forth.

**Sec. 473-29. Annual Re-Certification and Affidavit.**

- A. Annual Re-Certification and Affidavit. Each year on July 1, the small cell wireless equipment owner shall submit an affidavit which shall list, by location, all small cell wireless installations it owns within the City of Marlborough, and shall certify:
- (1) each such installation that remains in use;
  - (2) that such in-use installations remain covered by liability insurance naming the City as an additional insured; and
  - (3) each such installation which is no longer in use.
- B. Annual Re-Certification Fee. The equipment owner shall pay to the City of Marlborough an annual re-certification fee of \$250.00 per installation which remains in use.
- C. Facility No Longer in Use. Any small cell wireless facility which is no longer in use shall be removed by the owner, at the owner's expense, within sixty (60) days of the City Council's receipt of the annual re-certification affidavit.
- D. Non-Removal of Facility No Longer in Use. Any small cell wireless installation which is not removed by the owner, at the owner's expense, within sixty (60) days after being listed in the annual re-certification affidavit as no longer in use shall be subject to a fine of \$100/day until such installation is removed by the owner.
- E. Failure to Timely Submit Re-Certification/Remove Facility No Longer in Use. Where such annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the 60-day period, no further applications for small cell wireless installations will be accepted by the City Clerk's Office until such time as the annual re-certification has been submitted and all fees and fines have been paid.

**Sec. 473-30. Aesthetics and Additional City Requirements.**

- A. Poles.
- (1) No small cell wireless equipment shall be installed on double poles.
  - (2) Within the public right of way, only pole-mounted antennas shall be permitted and all telecommunications towers within the meaning of City Code sec. 650-25.A are prohibited.
  - (3) Absent City Council permission, no new poles are permitted within the public right of way that are not replacing an existing pole. If an applicant proposes to replace a pole in order to accommodate the small cell wireless facility, the pole shall match the appearance of the original pole to the extent feasible, including size, height, color, materials and style, unless another design better accomplishes the objectives of this section as determined by the Council. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven (7) feet.

- (4) If a new pole is permitted by the City Council to be placed within the public right of way, the new pole shall be designed to resemble existing poles in the right of way, including size, height, color, materials and style, unless another design better accomplishes the objectives of this section as determined by the Council. Such new poles that are not replacement poles shall be located no closer than ninety (90) feet to an existing pole.
- (5) Small cell wireless installation equipment (meters, boxes, etc.) shall be mounted on the pole a minimum of eleven (11) feet above ground level.
- (6) No small cell wireless installation equipment shall be replaced or altered on a pole without a re-application, hearing and approval from the City Council, unless the equipment is no longer functioning and it is being replaced with the same or substantially similar equipment.
- (7) The maximum height of any antenna mounted to an existing pole shall not exceed 24 inches above the height of the then-existing pole; provided that in any event:
  - a. no small cell wireless facility shall be located on a pole that is less than twenty-six (26) feet in height; and
  - b. no facility shall exceed thirty-five (35) feet in height, including but not limited to the pole and any antenna that protrudes above the pole.
- (8) Pole-mounted equipment shall not exceed six (6) cubic feet in dimension.
- (9) Not more than one (1) small cell wireless facility shall be mounted per pole.

B. Location.

- (1) Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right of way, or safety hazards to pedestrians and motorists.
- (2) A facility shall not be located within any portion of the public right of way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.
- (3) Each pole-mounted small cell wireless telecommunications facility must be separated by at least 1,500 feet.
- (4) All new wires needed to service the wireless telecommunications facility must be installed within the width of the existing pole so as to not exceed the diameter and height of the existing pole.

C. Americans with Disabilities Act Compliance. All facilities shall be built and maintained in compliance with the Americans with Disabilities Act (ADA)/Architectural Access Board (AAB).

- D. Residential Neighborhoods. If an applicant seeks to place a small cell wireless facility in a residentially-zoned neighborhood, the applicant:
- a. Should seek to avoid attaching to poles that are within twenty-five (25) feet of an existing driveway so that the property owner can plant trees that could shield the wireless equipment from view; and
  - b. Should seek to avoid poles where the installation and/or ongoing maintenance will require significant tree trimming due to the wireless equipment.
- E. Satisfactory Material, Construction and Work. The small cell wireless facility shall be of such material and construction, and all installation and maintenance work shall be done in such manner, as to be satisfactory to the City Council and DPW Engineering. If the DPW Engineering shall determine that such material, construction and/or work is (a) placing or tending to place at risk the public health, safety, and welfare, (b) interfering or tending to interfere with pedestrian and/or vehicular traffic, and/or (c) causing or tending to cause damage to the public right of way or any property adjacent to the location of the pole in question, the DPW Engineering shall forthwith notify the City Council, which shall review that determination for possible further action as to the applicant.
- F. Indemnification. The applicant shall indemnify and hold harmless the City against all damages, injuries, costs, expenses, and any and all claims, demands and liabilities whatsoever of every name and nature, both in law and equity, allegedly caused by the acts or neglect of the applicant, its employees, agents and servants, in any manner arising out of the rights and privileges granted herein to the applicant for its small cell wireless facility. Such indemnification shall not be limited by the amount of the applicant's liability insurance naming the City as an additional insured.
- G. City Streets and/or Sidewalks. All cutting of and/or digging into City streets and/or sidewalks by or on behalf of an applicant in conjunction with its small cell wireless facility is prohibited, as is all underground installation associated with the small cell wireless facility; provided, however, that the grounding rod proposed to be installed as part of the small cell wireless facility is permitted as long as:
- 1) The applicant installs the rod immediately adjacent to the pole so as to cause minimal disturbance to the surface of the street or sidewalk; and
  - 2) The applicant restores the street or sidewalk surface to its pre-disturbance condition to the satisfaction of the DPW Engineering.



- H. Repair of Damage. The applicant shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a wireless telecommunications facility in the public right of way. The applicant shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the applicant fails to complete such repair within the number of days stated on a written notice from the City Engineering Division, the Division shall cause such repair to be completed at the applicant's sole cost and expense.
- I. Visual Impact Minimization. The small cell wireless facility shall be color-coordinated so as to best minimize the visual impact of the facility.
- J. Side of Pole on which to Mount Equipment. The small cell wireless facility's equipment cabinet, circuit breaker box, and electric meter main shall be mounted on the side of the pole facing away from the roadway.
- K. Future Road Reconstruction/Repair. Any future road reconstruction or repair project by the City and/or the Commonwealth requiring the relocation of the pole shall result in the applicant's moving its small cell wireless facility to another pole in a timely fashion after having been notified by the DPW Engineering about the road project; provided, however, that any such relocation shall require further City Council approval.
- L. Construction and/or Installation Schedule. Prior to the commencement of construction and/or installation of the small cell wireless facility, the applicant shall provide the DPW Engineering with a written construction and/or installation schedule satisfactory to DPW Engineering.
- M. Removal Bond. Prior to the commencement of construction and/or installation of its small cell wireless facility, an applicant shall provide the City's Chief Procurement Officer (the "City CPO") with a bond from a surety authorized to do business in Massachusetts and satisfactory to the City CPO in an amount equal to the cost of removal of the small cell wireless facility from the pole in question and for the repair and/or restoration of the public way, in the vicinity of the pole in question, to the condition the public way was in as of the date when the relevant application was submitted to the City Clerk's Office, said amount to be determined by DPW Engineering. The amount of the bond shall be the total of the estimate by DPW Engineering plus an annual increase of 3% for the operating life of the small cell wireless facility. The applicant shall notify the City CPO and DPW Engineering of any cancellation of, or change in the terms or conditions in, the bond.
- N. Each Requirement a Permit Condition. Each and every requirement set forth in sections 29 and 30 of this Chapter 473 shall be deemed to be continuing conditions on the applicant's pole location permit granted by the City Council.
- O. Failure to Comply with Conditions. An applicant's failure to comply with any of the City Council's conditions to the Council's satisfaction or, as applicable, DPW Engineering or the City CPO, shall result in the City Council's review of the applicant's pole location permit(s).

II. This amendment shall become effective immediately upon passage.

Refer to **PUBLIC SERVICES COMMITTEE AND ORDERED ADVERTISED**; adopted.

ORDERED: Communication from the Mayor, re: Presentation at the March 11, 2019 Council Meeting by Post Road Residential, **FILE**; adopted.

ORDERED: That the Transfer request in the amount of \$60,000.00 which moves funds from various accounts within the Fire Department to Vehicle Repair and Maintenance, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:		FIRE				FISCAL YEAR:		2019	
Available Balance	FROM ACCOUNT:					TO ACCOUNT:			
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,960.00	\$7,000.00	12200001	51210	Civil Defense Director	\$7,000.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78
	Reason:	Unfilled position				Unanticipated repairs on older fleet			
\$8,500.00	\$8,500.00	12200003	51412	HAZMAT PAY	\$8,500.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78
	Reason:	Positions unfilled first half of fiscal year				Unanticipated repairs on older fleet			
\$73,461.84	\$10,000.00	12200003	51440	Educational Incentive	\$10,000.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78
	Reason:	Positions unfilled first half of fiscal year				Unanticipated repairs on older fleet			
\$144,472.63	\$20,000.00	12200003	51490	Holiday	\$20,000.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78
	Reason:	Retirements, positions unfilled first half of FY				Unanticipated repairs on older fleet			
\$72,535.54	\$14,500.00	12200003	51430	Longevity	\$14,500.00	12200006	52560	Vehicle Repair & Maint.	\$18,962.78
	Reason:	Retirements				Unanticipated repairs on older fleet			
	\$60,000.00	Total			\$60,000.00	Total			

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Proposed amendment to Senior Citizen Property Tax Work Off Program, to the increase number of allowed participants, in proper legal form, Order No. 19-1007547A, **MOVED TO ITEM 23**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Proposed amendment to Senior Citizen Property Tax Work Off Program, to the increase number of allowed participants, in proper legal form, Order No. 19-1007547A, **FILE**; adopted.

ORDERED: That the Communication from Sudbury Companies of Minute and Militia re: Temporary sign placement at the corner of Route 20 and Hagar Road for the 2019 Colonial Faire and Muster at the Wayside Inn, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer/Second Hand Dealer License, Tony Bitar, d/b/a Hannoush Jewelers, 601 Donald J. Lynch Boulevard, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer/Second Hand Dealer License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY APRIL 29, 2019** as **DATE FOR PUBLIC HEARING** Petition from Comcast, to install new underground 3" PVC conduit for approximately 1055 feet and (3) 2' x 3' vaults starting at 46 Lizotte Drive to provide service to 130 Lizotte Drive, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 29, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Thomas Coder, to demolish existing single story home and construct a new two story home at 21 Patten Drive, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That the Communication from the MA State Lottery Commission re: Eligibility to sell Keno To Go, Brasil Remessa, 576 Boston Post Road East, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, February 5, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, February 11, 2019, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, February 7, 2019, **FILE**;

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a) Robert Bucher, 4 Farm Road, residential mailbox claim (2b).
- b) Anthony Long, 20 Kelleher Street, residential mailbox claim (2a).
- c) Dorothy Magliozzi, 30 Farm Road, residential mailbox claim (2a).
- d) Marlboro Softball League, 85 Sawin Street, other property damage and/or personal injury.
- e) Gabrielle Miller, 38 Gikas Lane, pothole or other road defect.
- f) Lauren Racine, 55 Littleton Road, Ayer, pothole or other road defect.
- g) Brian Rotondo, 100 Stearns Road, residential mailbox claim (2a).



## Reports of Committees:

Councilor Irish reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: March 18, 2019

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 6:00 PM – Adjourned: 6:27 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Irish and Landers; Councilors Clancy, Delano, Doucette (arrived 6:15 PM), Dumais, and Ossing

**Order No. 19-1007549: The Appointment of Josh Daigle to the Community Development Authority for a three-year term to expire from date of confirmation.** Josh Daigle has been a Marlborough resident for the past twelve years, attended Marlborough High School, received his master's degree in architecture and is currently pursuing his licensure while he works for a small firm in Boston. He enjoys living in Marlborough and wants to give back to the community. **Motion made by Councilor Irish, seconded by Councilor Landers, to approve the appointment of Josh Daigle to the Community Development Authority for a three-year term to expire from date of confirmation. The motion carried 3-0.**

**Order No. 19-1007527: The Reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval.** Patricia Pope has been a Marlborough resident for the past thirty-two years, worked in and around the community during that time, and has been at the Senior Center for just over three years. She provided an update for the second-floor renovations which will help with the forty-five to fifty programs they run per week for their 1,720 members. **Motion made by Councilor Irish, seconded by Councilor Landers, to approve the reappointment of Patricia Pope as Executive Director of the Council on Aging for a three-year term to expire from date of City Council approval. The motion carried 3-0.**

**Order No. 19-1007511: The Appointment of Brendan Downey to the Marlborough Historical Commission for a term to expire three years from date of confirmation.** Brendan Downey has been a Marlborough resident for the past seven to eight years, grew up in Sudbury, and works at a software startup. He explained himself as a student of history since his undergraduate days at Boston College when he had professors who opened his eyes to his surroundings when on walking tours of the City. He enjoys the understanding of how cities grow and evolve, and he would like to participate in that in his community, the process to preserve but not hold back. **Motion made by Councilor Irish, seconded by Councilor Landers, to approve the appointment of Brendan Downey to the Marlborough Historical Commission for a term to expire three years from date of confirmation. The motion carried 3-0.**

## Reports of Committee Continued:

**Order No. 19-1007550: The Appointment of Andrea Bell Bergeron to the Historical Commission for a three-year term to expire from date of confirmation.** Andrea Bell Bergeron is a recent resident to Marlborough, since the previous June when she and her husband purchased a home in the City. They made a commitment to the City and each would like to give back in their own way. She was introduced to the Historical Commission by Melanie Whapham and being a lover of history thought it would be a good fit for her. **Motion made by Councilor Irish, seconded by the Chair, to approve the appointment of Andrea Bell Bergeron to the Historical Commission for a three-year term to expire from date of confirmation. The motion carried 3-0.**

**Motion made by Councilor Landers, seconded by the Chair, to request a Suspension of the Rules at the March 25, 2019 City Council Meeting to vote on the appointments of Josh Daigle to the Community Development Authority as well as Brendan Downey and Andrea Bell Bergeron to the Historical Commission. The motion carried 3-0.**

**Motion made and seconded to adjourn. The motion carried 3-0. The meeting adjourned at 6:27 PM.**

Councilor Dumais reported the following out of the Open Space and Finance Committee:

**Joint Meeting of the Marlborough City Council Finance and Open Space  
Committees**

Monday March 18, 2019

*In Council Chambers*

Finance Committee Members Present: **Chairman Ossing; Councilors Robey, Oram, Irish and Dumais.**

Finance Committee Members Absent: **None**

Open Space Committee Members: **Chairman Dumais and Councilors Doucette and Delano.**

Open Space Committee Members Absent: **None**

Other Councilors in Attendance: **Councilors Clancy, Delano, Landers and Doucette.**

The meeting convened at 7:00 PM.

- 1. Order No. 19-1007584 – Authorize Mayor to Purchase Property Off Berlin Road and Transfer \$150,000.00 from Open Space Stabilization Account to Open Space Acquisition:** The Finance Committee and the Open Space Committee conducted a joint meeting to review the Mayor's letter dated March 6, 2019 requesting the approval of the following two orders:

- An order to authorize the Mayor to negotiate a purchase and sale for the property off Berlin Road identified as Map 41, Parcel 37B.
- An order to approve a transfer of \$150,000.00 from the Open Space Stabilization Account to the Open Space Acquisition Account to make a deposit for the purchase of approximately 10 acres located off Berlin Road on Map 41 Parcel 37B.

## Reports of Committee Continued:

- A communication from Conservation Officer Priscilla Ryder supporting the acquisition of the property was reviewed.
- The Finance Committee voted 5 - 0 to approve both orders.
- The Open Space Committee voted 3 - 0 to approve both orders.
- Both the Open Space Committee and the Finance Committee agreed to support suspending the rules at the March 25, 2019 City Council meeting to approve both orders.

**The Open Space Committee adjourned at 7:20PM.**

Councilor Ossing reported the following out of the Finance Committee:

2. **Order No.19-1007578 – Revision to Municipal Aggregation Order:** The Finance Committee reviewed the Order submitted by Councilor Ossing on February 25, 2019 to revise the Municipal Aggregation Order No. 17-1006881. The revised order will allow the City to enter into longer electrical supply contracts to provide stability and predictability for electrical supply rates while potentially providing greater savings to Marlboro residents than the current process. The Finance Committee voted 5 - 0 to approve the following revised Municipal Aggregation order:
  1. This order supersedes Order No. 17-1006881 dated April 10, 2017.
  2. The goal of the Ad-Hoc Municipal Aggregation Committee is to obtain competitive electric supply offers that will provide stability and predictability and on a yearly average be lower than the National Grid Fixed Basic Service Rates during the same period.
  3. Establish an Ad-Hoc Municipal Aggregation Committee that will review competitive electric supply agreements and make recommendations to the Mayor. The Municipal Aggregation Committee will consist of 5 members including:
    - The Mayor
    - Two City Councilors (appointed by the City Council President)
    - The Chief Procurement Officer
    - The DPW Commissioner (or designee)
    - A quorum shall consist of a minimum of 3 members
  4. The Ad-Hoc Municipal Aggregation Committee will provide periodic updates to the City Council on Municipal Aggregation implementation.
  5. All suppliers of electricity licensed by the Department of Public Utilities and qualified to do business in the Commonwealth of Massachusetts can participate in the City's Municipal Aggregation Program.

**The Finance Committee adjourned at 8:02 PM.**

Reports of Committee Continued:

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: March 19, 2019

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 7:00 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Juairé, Landers, Tunnera and Doucette; Councilors Clancy, Ossing, and Robey; Donald Rider (City Solicitor, City of Marlborough)

**Order No. 18/19-1007452A (X19-1007198G): Proposed Zoning Ordinance Amendment, Chapter 650 §22 & §5, relative to Multifamily Retirement Community, 90 Crowley Drive.** The Urban Affairs Committee met with William Pezzoni of Day Pitney, LLP and Brian Blaesser of Robinson + Cole for a review of their proposed zoning petition relative to a Multifamily Retirement Community at 90 Crowley Drive. They previously appeared at Urban Affairs Committee on March 12, 2019 and there were no objections to their proposal, but several councilors were unable to attend, and the Chairman wished to provide them the opportunity to speak with the proponents. Mr. Pezzoni reviewed the map of the proposed zoning area and the text description with Councilors and noted where they had inadvertently deleted Pleasant Street and should have included West Hill Road. They also had previously discussed traffic and parking and there were no further questions about the proposed zoning amendment.

**Motion made by Councilor Doucette, seconded by the Chair, to approve the proposed zoning ordinance as amended. The motion carried 5-0.**

**Motion made and seconded to refer to the Legal Department to place in proper legal form. The motion carried 5-0.**

**Motion made and seconded to adjourn. The motion carried 5-0. The meeting adjourned at 7:00 PM.**

Meeting Name: City Council Urban Affairs Committee

Date: March 12, 2019

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM – Adjourned: 6:30 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Landers, Tunnera and Doucette; Councilors Clancy and Ossing; Donald Rider (City Solicitor, City of Marlborough); Jeffrey Cooke (Building Commissioner, City of Marlborough)

Absent: Urban Affairs Committee Member Councilor Juairé

## Reports of Committee Continued:

**Order No. 19-1007512: Application for Special Permit from Marc Buchan to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint, 180 Cullinane Drive.** The Urban Affairs Committee met with Marc Buchan on his request to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint at 180 Cullinane Drive. Mr. Buchan explained he purchased the property three-years prior and wished to build a new two-story, two-bedroom, single-family home on the existing footprint. The property required extensive clean-up which he performed and now wants to build a new house on the site. The ward councilor, President Clancy, gave a history of the site and supported the applicant's proposal.

City Solicitor Rider suggested the following two amendments as noted in *italics* below:

Construction in Accordance with Applicable Laws. *Demolition and* construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and Architectural Drawings as may be subject to minor modifications with *prior written* approval of the Building Commissioner.

City Solicitor Rider suggested inclusion of a condition that "All work performed at the site shall be in compliance with this special permit decision."

**Motion made by Councilor Doucette, seconded by the Chair, to amend the special permit decision as suggested by the City Solicitor and refer back to Council with a favorable recommendation. The motion carried 4-0.**

**Motion made and seconded to request a Suspension of the Rules at the March 25, 2019 City Council Meeting to refer to the Legal Department for placement in proper legal form on the April 8, 2019 regular meeting agenda. The motion carried 4-0.**

**Motion made and seconded to adjourn. The motion carried 4-0. The meeting adjourned at 6:30 PM.**

**Suspension of the Rules requested — granted**

ORDERED: That the Appointment of Josh Daigle to the Community Development Authority for a three-year term to expire from date of confirmation, **APPROVED**; adopted.

**Suspension of the Rules requested — granted**

ORDERED: That the Appointment of Brendan Downey to the Marlborough Historical Commission for a term to expire three years from date of confirmation, **APPROVED**; adopted.



**Suspension of the Rules requested – granted**

ORDERED: That the Appointment of Andrea Bell Bergeron to the Historical Commission for a three-year term to expire from date of confirmation, **APPROVED**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: Pursuant to M.G.L. c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of a parcel of land in fee simple interest will not benefit the City's interest because of the unique qualities and location of the properties as hereinafter defined:

Land of proposed purchase of fee simple interest: The parcel identified on the Assessors Map of the City of Marlborough as Map 41 Parcel 37B, containing 10.09 acres, located on Berlin Road, Marlborough, MA, and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 27781, Page 51. The person having a beneficial interest in this parcel is Ernest A. Houde, Jr. of 399 Berlin Road, Marlborough, MA.

The above-identified parcel satisfies the requirements of said M.G.L. c. 30B, § 16(e)(2), because:

(i) the parcel is uniquely situated because it abuts Map 41, Parcel 25, both of which are classified as Agricultural and Horticultural land pursuant to M.G.L. c. 61A; (ii) include wetlands and seasonal wetlands which feed Flagg Swamp and Flagg Brook which fall within the City's 2011-2018 Open Space and Recreation Plan to preserve and protect watershed to wetland and water resource areas; (iii) feeds into the Fort Meadow Reservoir, the City's recreational lake, which will be protected and preserved by the acquisition and (iv) supports a variety of wildlife.

It is further ordered that the Mayor is authorized to negotiate and enter into a purchase and sales agreement for the above-identified parcel subject to the following conditions: (i) that, in accordance with M.G.L. c. 43, § 30, the purchase price of any parcel shall not exceed more than 25% of the average assessed value of the parcel during the previous three years; and (ii) that the City's performance under any purchase and sales agreement will be contingent upon a favorable vote of the City Council authorizing the appropriation of sufficient funds for the purchase of the parcel, **APPROVED**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That, pursuant to M.G.L. c. 43, § 30 and c. 40, § 5B, the City Council, by a two-thirds vote of all its members, hereby authorizes an appropriation from Stabilization – Open Space (account # 83600-32918) in the amount of \$150,000.00 as sufficient funds to pay for the proposed purchase of the parcel located at Berlin Road; provided, however, that the thirty-day period following the City's publication in the Central Register of the proposed purchase has expired as required by law, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS –									
DEPT:		Mayor				FISCAL YEAR:		2019	
FROM ACCOUNT:					TO ACCOUNT:				
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$668,824.31	\$150,000.00	83600	32918	Stabilization-Open Space	\$150,000.00	19300006	58170	Open Space Acquisition	\$0.00
Reason:						For purchase of property on Berlin Rd			
	\$150,000.00	Total			\$150,000.00	Total			

**Suspension of the Rules requested – granted**

ORDERED: That the Proposed Zoning Ordinance Amendment to Chapter 650 §22 & §5, relative to Multifamily Retirement Community, 90 Crowley Drive, refer to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE APRIL 8, 2019 CITY COUNCIL MEETING**; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That the Application for Special Permit from Marc Buchan to raze an existing one story single family residence and build a new two story single family residence on the same existing foundation footprint, 180 Cullinane Drive, refer to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE APRIL 8, 2019 CITY COUNCIL MEETING**; adopted.

ORDERED: That the City Council review the results of the FY19 abbreviated budget process.

That the City Council approve the Massachusetts Department of Revenue Financial Review Recommendation for adopting an abbreviated budget authorization format for all departments for the FY20 City budget. The City Council will assess the results in April 2020 to determine if the practice will continue.

### Background:

The City Council approved the abbreviated budget process for FY18 on April 24, 2017 (Order No. 17-1006856A) and FY19 on April 23, 2018 (Order No. 18-1007236). In its 2006 Financial Management Review of the City of Marlborough, the Massachusetts Department of Revenue recommended that the City adopt several best financial practices including approving the City budget with the salary and expenditure accounts for each department as opposed to the past practice of approving each individual line item. This recommendation was also made in the City's Fiscal Year 2016 audit performed by Roselli, Clark & Associates. Department Heads would not be able to add funds to their approved salary or expenditure accounts without City Council approval. The Auditor will provide a summary of all transfers within a department's budget each month to the City Council, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Mid-Year Transfer requests in the amount of \$1,341,950.00 as detailed in the attached spreadsheets, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:		Mayor				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$25,997.13	\$7,900.00	11610002	50770	Senior Clerk	\$2,900.00	11210001	50321	Exec Aide to the Mayor	\$27,491.79
	Reason:	Surplus			Reason:	New Hire			
	\$0.00				\$5,000.00	11210003	51920	Sick Leave Buy Back	\$0.00
	Reason:				Reason:	Employee exit buy back			
	\$7,900.00	Total			\$7,900.00	Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT:		IT				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$75,000.00	\$13,100.00	12200001	50805	Fire Inspector	\$13,100.00	11550001	50213	Network Engineer	\$34,050.56
Reason:		Surplus				Reason:		New Hire	
\$13,100.00		Total				Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT:		HR				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$75,000.00	\$17,000.00	12200001	50805	Fire Inspector	\$12,000.00	11520006	57380	Conference & Training	\$8,153.50
Reason:		Surplus				Reason:		OSHA Training Course for DPW	
\$0.00						\$5,000.00		11520004 53140 Contract Services	
Reason:						Reason:		Police Assessment Center	
\$17,000.00		Total				Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:	POLICE				FY: 2019				
	FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$816,832.65	\$93,400.00	11990006	57820	Reserve for Salaries	\$93,400.00	12100003	51920	Sick Leave Buyback	\$9,910.41
	Reason:	Budgeted retirement of two officers				Contractual sick leave retirement payment			
\$274,701.57	\$5,000.00	12100003	51440	Educational Incentive	\$5,000.00	12100005	54220	Office Supply/Expenses	\$9,911.00
	Reason:	Surplus in account				Deficit due to increase training classes			
\$274,701.57	\$5,000.00	12100003	51440	Educational Incentive	\$5,000.00	12100006	52560	Vehicle Repair & Maintenance	\$21,687.06
	Reason:	Surplus in account				Maintenance to existing fleet of cruisers			
	\$103,400.00	Total			\$103,400.00	Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Building			FISCAL YEAR:		2019		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$10,000.00	\$8,000.00	12410004	53140	Contract Services	\$8,000.00	12410001	50960	Asst. Plumbing Inspector	\$0.00
	Reason:	Surplus from unused				Reason:	Funds needed to cover potential shortfall.		
	\$8,000.00	Total			\$8,000.00	Total			



## CITY OF MARLBOROUGH

## BUDGET TRANSFERS –

DEPT:		Comptroller				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$3,822,047.29	\$600,000.00	11980006	51750	Health Ins	\$500,000.00	13100003	51751	Health Ins	\$3,717,160.23
Reason:		Surplus				Reason:		Cover potential shortfall	
\$0.00	\$0.00				\$100,000.00	13100003	51753	Medicare Ins	\$352,925.45
Reason:						Reason:		Cover potential shortfall	
	\$600,000.00	Total			\$600,000.00	Total			

## CITY OF MARLBOROUGH

## BUDGET TRANSFERS –

DEPT:		Comptroller				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,250,000.00	\$185,000.00	17110006	59968	2018 Multi Purpose	\$185,000.00	60071106	59966	2016 Multi Purpose	\$205,000.00
Reason:		Reclassify for Borrowing June 2018				Reason:		Reclassify for account error correction	
\$400,000.00	\$100,000.00	17110006	59967	2017 Multi Purpose	\$100,000.00	61071106	59965	MWRA WRA 13-13-258	\$100,000.00
Reason:		Reclassify for Borrowing June 2018				Reason:		Reclassify for account error correction	
	\$0.00				\$0.00				\$0.00
	\$285,000.00	Total			\$285,000.00	Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Comptroller				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$395,000.00	\$180,000.00	17520006	59254	Interest on BAN	\$305,000.00	13860006	59254	Interest on BAN	\$82,500.00
	Reason:	Reclassify for Borrowing June 2018					Cover new school BAN interest		
\$80,000.00	\$25,000.00	60075206	59050	Interest Expense	\$0.00				\$0.00
	Reason:	Reclassify for Borrowing June 2018							
\$150,000.00	\$100,000.00	61075206	59080	Interest Expense	\$0.00				\$0.00
	Reason:	Reclassify for Borrowing June 2018							
	\$0.00				\$0.00				\$0.00
	\$305,000.00	Total			\$305,000.00	Total			

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT:		Auditor				FISCAL YEAR:		2019	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$10,100.00	\$2,550.00	15410004	53140	Contract Services	\$2,550.00	11350002	50520	Principal Clerk	\$17,281.26
	Reason:	Surplus - COA					New hire contractual obligation		
	\$0.00				\$0.00				\$0.00
	\$2,550.00	Total			\$2,550.00	Total			

ORDERED: That the Transfer request in the amount of \$182,500.00 which moves funds from Undesignated Fund to IT Equipment to purchase, install and maintain security cameras at the Jaworek and Richer Elementary Schools, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS –									
DEPT:		IT				FISCAL YEAR:		2019	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$7,101,961.00	\$182,500.00	10000	35900	Undesignated Fund	\$182,500.00	19300006	58618	IT Equipment	\$14,806.58
Reason:		Security camera related projects							
\$182,500.00		Total			\$182,500.00	Total			

ORDERED: That the Application for a temporary freestanding sign for Ventura X at 11 Apex Drive along with the approval from Walker Realty, LLC for a period of eight months after the building permit is issued, **APPROVED**; adopted.

ORDERED: That the City Council of the City of Marlborough hereby amends City Council Order No. 12-1004062A, as follows:

1. By deleting provision f) in its entirety and inserting in place thereof the following:

The applicant seeking the reduction must have annual gross income, as calculated by the Department of Revenue, that qualifies for the senior circuit breaker tax credit in the calendar year prior to the start of the tax year for which that applicant seeks a reduction in his or her real property tax obligations.

2. By deleting provision i) in its entirety and inserting in place thereof the following:

If the number of eligible applicants for this program exceeds the number of available positions in a given fiscal year, a lottery shall be held by the Council on Aging to determine placement. From time to time, eligible applicants who possess unique skills or talents that would aid municipal operations may be placed in positions upon direct approval of the Mayor. The number of annual participants will not exceed 30 (fractional volunteers can be combined to equal one participant) without prior City Council approval.

3. By deleting provisions k) and m) in their entirety.
4. By re-numbering provision l) as provision k), and provision n) as provision l).

**APPROVED**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require:

that GOODWIN STREET be accepted as a public way

from Dufresne Drive at Station 0+25 to Goodwin Street's terminus, and

that MCDERMOT WAY be accepted as a public way

from Dufresne Drive at Station 0+25 to and terminating at Goodwin Street,

and that their appurtenant easements be accepted as municipal easements,

as shown on a plan thereof and as hereinafter described:

#### DESCRIPTION

Plan entitled, " 'Cider Mill Estates' - Acceptance Plan of Goodwin Street, McDermot Way, and Municipal Easements, Marlborough, Massachusetts," Owner: West Hill, LLC, 120 Quarry Drive, Milford, MA 01757; To Be Deeded to: City of Marlborough, 140 Main Street, Marlborough, MA 01752; Prepared By: Guerriere & Halnon, Inc., Engineering & Land Surveying, 333 West Street, Milford, MA 01757; Dated: July 19, 2018; Scale: 1"=40', which plan is to be recorded herewith.

Title to the roadways shown as GOODWIN STREET and MCDERMOT WAY on said plan, and title to all the municipal easements shown on said plan as:

- Goodwin Street - Flowage Easement, over Lot #1, Lot #2, Lot #5 and Lot #6, containing 19,386 square feet
- McDermot Way - Drainage Easement over Lot #1 and Lot #2, containing 4,895 square feet

has been granted to the City of Marlborough in a quitclaim deed from West Hill, LLC, a Massachusetts limited liability corporation with a principal place of business at 120 Quarry Drive, Milford, Massachusetts, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

GOODWIN STREET and MCDERMOT WAY be accepted as public ways, and their appurtenant easements be accepted as municipal easements, in the City of Marlborough.

**APPROVED;** adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:05 PM; adopted.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 25, 2019

**ORDERED:**

That there being no objection thereto set **MONDAY, APRIL 8, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Fabricio DaSilva, to construct a new 5 x 18 front porch on an existing structure, 3 Jonas Court, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

**Ninety days after public hearing is 07/07/19 which falls on a Sunday, therefore 07/08/19 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 19-1007570





# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 11, 2019

ORDERED:

PAGE 1

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Section 650-5, entitled "Definitions; word usage," is hereby amended by inserting the following new definition:

## **MOBILE FOOD TRUCK**

A food establishment that is located upon a motorized vehicle or is pulled by a motorized vehicle where food is prepared, cooked, and served for retail sale in individual portions.

- II. Section 650-18, entitled "Conditions for uses," is hereby amended by inserting in subsection A thereof a new paragraph (49), pertaining to mobile food trucks:

(49) Mobile food trucks shall be operated in accordance with all applicable Marlborough regulations and state and federal food codes. Mobile food trucks shall not park within 20 feet of a fire hydrant or within five feet of a fire alarm box or other comparable emergency communication device, or within five feet of a marked crosswalk, public or private driveway, or handicapped accessible curb cut.

- (a) Mayor is authorized to issue 1 to 3 day permits in the zones requiring a special permit.
- (b) City Council issues special permits for longer duration permits addressing duration of permit, periodic review to ensure quality mobile food truck and compliance with city and state regulations.

- III. Section 650-48, entitled "Off-street parking" is hereby amended by inserting in subsection A thereof a new paragraph (17), pertaining to mobile food trucks:

(17) Mobile food trucks: two spaces per mobile food truck. Each mobile food truck is required to provide two parking spaces for customer use and provide documentation to the Building Commissioner identifying the two spaces.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 11, 2019

PAGE 2

ORDERED:

- II. Section 17 of Chapter 650, entitled "Table of Uses," is hereby amended by inserting the following:

	RR	A1	A2	A3	RB	RC	RCR	NB	B	CA	LI	I	MVD
Mobile food trucks (49)	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, APRIL 8, 2019.**

ADOPTED

ORDER NO. 19-1007543



## IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 25, 2019

**ORDERED:**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That, upon the petition of St. Mary's Credit Union, the Zoning Map established under Chapter 650, the City of Marlborough's Zoning Ordinance, in Article III, entitled "Establishment of Districts" is hereby amended in subsection 8 thereof, entitled "Boundaries Established; Zoning Map". Said Zoning Map is amended by including Assessors Map 82, Parcels 112 and 113, and adjacent portions of John Street to the center line, in the Business District.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, APRIL 8, 2019.**

**Councilor Delano recused.**

ADOPTED

ORDER NO. 19-1007569



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ FEBRUARY 25, 2019

### ORDERED:

That there being no objection thereto set **MONDAY, APRIL 8, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Brian Falk, on behalf of E on Main, to construct a Mixed-Use Development in the Marlborough Village District consisting of both residential and commercial space at 161-175 Main Street, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

**Ninety days after public hearing is 07/07/19 which falls on a Sunday, therefore 07/08/19 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 19-1007571  
X 18/19-1007135B



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 MAR 28 P 3 22

*Marlborough City Council*  
*Michael H. Ossing*  
*City Councilor-at-Large*  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

March 28, 2019

President and Members  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: Municipal Aggregation - Six Month Fixed Price Contract with DYNEGY  
May 2019 through October 2019

Dear Honorable Members:

In accordance with Order No.17-1006881, this correspondence informs the City Council that the Ad-Hoc Municipal Aggregation Committee has approved a six-month fixed price contract with DYNEGY that will have electricity rates lower than the National Grid Fixed Basic Service Rates.

- National Grid Fixed Basic Service Rate = 0.10820 \$/kWh
- DYNEGY = 0.09732 \$/kWh
- Will SAVE Marlboro residential rate payers 0.01088 \$/kWh

The new rates will be in effect starting with the May 2019 meter reads through the October 2019 meter reads.

The Ad-Hoc Municipal Aggregation Committee acknowledged that if Marlboro residents want to use only "green" Renewable Energy Certificates (REC) for their electricity, they could contact DYNEGY and have an electricity supply rate of 0.09804 \$/kWh for the same meter read period as above. This information will appear on the City website when Colonial Power has the new rates posted in April 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. Ossing".

Michael H. Ossing  
Chairman Ad Hoc Municipal Aggregation Committee



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR -4 A 11:46

*Arthur G. Vigeant*  
MAYOR

*Kate Flanagan*  
EXECUTIVE AIDE

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 4, 2019

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Transfer Request – Marlborough Economic Development Corporation**

Honorable President Clancy and Councilors:

Enclosed for your review please find a transfer request in the amount of \$699,088.00 an increase of 2.8 percent from last year, to fully fund the Marlborough Economic Development Corporation (the "MEDC") for their Fiscal Year 2020 operations.

Over the past year, MEDC has continued to make progress on its primary goal to attract economic development to help reduce the tax burden for our residents. Our residential tax bills have seen small adjustments in recent years and a big reason for that is our status as the economic engine for our region.

With more than twenty companies moving or expanding in Marlborough we have worked together to create 350 new jobs. The City's commercial vacancy is now the lowest in over a decade and our unemployment rate is at an eighteen year low, sitting at 40% below the national average and 35% below the state average. The MEDC has seen great success in attracting employers and employees to our city and ensuring they stay. The annual job fair has been successful and beneficial to prospective employers and employees. The job fair will take place on Thursday, May 23, 2019 and we anticipate another successful turn out.

MEDC has been working on a citywide branding strategy by partnering with the Marlborough Public Schools and various other stakeholders to create our new positioning statement "Marlborough: Exceeding Expectations". It is up to us to ensure that our city continues to have controlled growth to succeed.

This past year the City of Marlborough began a unique and exclusive partnership with Phantom Gourmet. This new partnership has given us the opportunity to showcase all Marlborough has to offer, including diverse restaurants, entrepreneurs, visitors and developers. We are thankful for this partnership which has been a great success.



While we have in the past discussed incentives for employers interested in expanding operations in Marlborough, or interested in moving to Marlborough, we have benefited from increased economic activity without any tax increment financing agreements. The strong national and state economy along with our reputation as a destination for advanced manufacturing and life sciences means we are able to attract growth without the added incentives.

In attempt to draw new businesses and jobs the MEDC will be hosting an educational session on Opportunity Zones on Thursday, April 25, 2019. The purpose of this event is to showcase properties which are available for purchase and to attract potential buyers with federal tax incentives. This is a great opportunity for us to improve blighted properties throughout the city.

MEDC's budget includes \$273,500 which is to special projects for:

- \$152,500 for Business Retention and Expansion
- \$50,000 for City Planning Services
- \$46,000 for Hospitality and Sports Tourism
- \$25,000 for Urban Village and Community Development

At a cost of \$315,838 for the coming fiscal year, MEDC employs 4 full-time employees and one temporary/summer part-time intern. If these same employees were on the City's payroll, the real cost to the taxpayer would be many times over that amount due to retirement expenses and other post-employment benefits.

This annual transfer request provides us with an opportunity each year to evaluate MEDC's performance and analyze the role it plays in Marlborough. We set aggressive goals for MEDC's employees and each year, I am proud of how much they contribute to Marlborough.

Director of Operations Linda Martins and I are available to discuss with you in detail. Thank you for your consideration.

Sincerely,



**Arthur G. Vigeant**  
Mayor

Enclosures

FISCAL YEAR: 2019

TO ACCOUNT:

Available  
Balance

\$0.00

To allow the MEDC to continue it's work in promoting the economic development of the City for FY20

Reason:

Total

Comptroller signature:

June 2-  
Brian Johns

# ECONOMIC DEVELOPMENT FUNDING

9/30/2011 State Aid	\$165,166.12
12/31/2011 State Aid	\$190,224.55
3/31/2012 State Aid	\$132,447.82
6/29/2012 State Aid	\$146,495.56
9/30/2012 State Aid	\$185,400.20
12/31/2012 State Aid	\$182,736.99
3/31/2013 State Aid	\$123,837.95
6/28/2013 State Aid	\$152,429.69
9/20/2013 State Aid	\$196,053.08
12/30/2013 State Aid	\$204,331.94
3/31/2014 State Aid	\$134,171.82
6/30/2014 State Aid	\$165,392.81
9/30/2014 State Aid	\$225,891.57
12/31/2014 State Aid	\$215,368.61
3/31/2015 State Aid	\$139,754.81
6/30/2015 State Aid	\$181,957.00
9/30/2015 State Aid	\$246,477.46
12/31/2015 State Aid	\$243,518.11
3/31/2016 State Aid	\$147,152.99
6/30/2016 State Aid	\$188,289.73
9/30/2016 State Aid	\$250,636.64
12/31/2016 State Aid	\$261,571.54
3/31/2017 State Aid	\$144,194.44
6/30/2017 State Aid	\$199,405.00
9/30/2017 State Aid	\$260,640.83
12/31/2017 State Aid	\$280,764.79
3/31/2018 State Aid	\$158,551.10
6/30/2018 State Aid	\$213,203.36
9/28/2018 State Aid	\$263,084.77
12/31/2018 State Aid	\$290,454.60
3/29/2019 State Aid	\$205,890.60

Total Funding	<u>\$6,095,496.48</u>
---------------	-----------------------

12/5/2011 CO# 11-1003048	-\$146,837.00
12/19/2011 CO# 11-1004004	-\$3,163.00
5/21/2012 CO# 12-1005008	-\$200,000.00
12/17/2012 CO# 12-1005205	-\$277,099.00
6/3/2013 CO# 13-1005418A	-\$499,000.00
6/30/2014 CO# 14-1005840	-\$513,915.00
6/1/2015 CO# 15-1006198A	-\$731,875.00
6/20/2016 CO# 16-1006569A	-\$647,580.00
6/20/2016 CO# 16-1006569B	-\$75,000.00
6/5/2017 CO# 17-1006923A	-\$660,077.00
6/18/2018 CO# 18-1007280A	-\$679,841.00

Total Transfers	<u>-\$4,434,387.00</u>
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Available for future transfers	\$1,661,109.48
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April 1, 2019

Honorable Arthur G. Vigeant, Mayor  
City Hall, 4<sup>th</sup> Floor  
140 Main Street  
Marlborough, MA 01752

RE: FY'20 Operating Budget Transfer Request

Dear Mayor Vigeant:

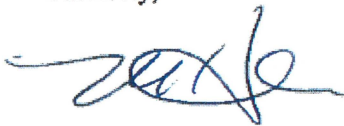
I write to you today seeking a transfer request for MEDC's operations for FY'20.

On behalf of the Marlborough Economic Development Corporation (MEDC), I am herewith submitting this letter requesting a transfer of funds to the Marlborough Economic Development Corporation in the amount of \$699,088.00 to fund operations and special projects for FY'20 as approved by the MEDC Executive Committee on March 13, 2019. This request reflects a 2.8% increase year over year.

I would appreciate your approving the above transfer requests as soon as possible and forwarding on to the City Council allowing MEDC an opportunity to update the City Council on the progress made thus far in implementing the City's Economic Development Master Plan and to discuss the goals and objectives for FY'20.

Thank you for your kind attention to this matter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Sincerely,



Meredith Harris  
Executive Director

Attachments

A: FY'20 Operational Budget

Cc: Diane Smith, Marlborough City Auditor  
Brian Doheny, Marlborough City Comptroller/Treasurer

# **Attachment A**

***FY'20 Operational Budget***

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The Marlborough Economic Development Corporation (MEDC) requests a total budget of **\$699,088** to fund its' operations and special projects which equates to a **2.8%** increase year over year.

The budget is divided into 3 categories which represent salaries, expenses and special projects. The following budget summary consists of line item allocations for the above listed categories.

Salaries and Benefits

**\$315,838** in personnel, employer taxes, insurance and fringe benefits are allocated to salaries and benefits.

Personnel & Benefits	\$291,838
Employer Payroll Taxes	\$ 24,000

Operating and Administrative Expenses

**\$109,750** is allocated to operating and administrative expenses in order to conduct business.

Materials & Supplies	\$39,400
Contracted Services	\$40,400
Occupancy	\$29,950

Special Projects

**\$273,500** is allocated to special projects in order for MEDC to carry out the goals and objectives of the organization.

Business Retention & Expansion	\$152,500
Hospitality & Sports Tourism	\$ 46,000
Urban Village & Community Development	\$ 25,000
City Planning Services	\$ 50,000

## Marlborough Economic Development Corporation

## Budget Overview

July 2019 through June 2020

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 Jul '19 - Jun 20
 

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## Ordinary Income/Expense

## Expense

## Payroll Expenses

Employee Benefits	\$ 35,300.00
Employer Payroll Taxes	\$ 24,000.00
Salaries	\$ 255,888.00
Workers' Comp	\$ 650.00
<b>Total Payroll Expenses</b>	<b>\$ 315,838.00</b>

Advertising/Marketing	\$ 3,100.00
Computer Services & Licenses	\$ 7,500.00
Conferences/Meetings	\$ 4,000.00
Dues and Subscriptions	\$ 17,800.00
Insurance	\$ 1,950.00
Internet service	\$ 1,400.00
Maintenance & Repair	\$ 500.00
Media Contractor	\$ 30,000.00
Office Supplies	\$ 3,000.00
Payroll Fees	\$ 2,900.00
Phone	\$ 2,100.00
Printing and Reproduction	\$ 2,200.00
Professional Fees	\$ 5,500.00
Reimbursable Expenses	\$ 1,900.00
Rent	\$ 23,500.00
Utilities	\$ 2,400.00

<b>Subtotal Expense</b>	<b>\$ 425,588.00</b>
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## Special Project Expenses

City Planning Services	\$ 50,000.00
Special Projects	\$ 223,500.00
<b>Total Special Project Expenses</b>	<b>\$ 273,500.00</b>

<b>Total Expense</b>	<b>699,088.00</b>
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**Payroll Expenses**

Salaries Full-time		PERMANENT FULL TIME					
Salaries with standard annual salary increase of up to 3% & salary adjustments for 2 FTEs							
(A) NAME	(B) TITLE	(C) WEEKLY SALARY FY'19	(D) HOURLY FLAT RATE	(E) TOTAL SALARY	(F) WEEKLY SALARY FY'20	(G) HOURLY FLAT RATE	(H) TOTAL SALARY FOR YEAR <i>Rounded up</i>
Meredith Harris	Executive Director	1713.76	42.84	89,116	1,765.17	44.13	\$ 91,788
Linda Martins	Director of Operations	1047.25	26.18	54,457	1,250.00	31.25	\$ 65,000
Chris McDade	Program Manager	730.77	18.27	38,000	1,038.46	25.96	\$ 54,000
Administrative Assistant	Administrative Assistant				800.00	20.00	\$ 41,600
Salaries Full-time Total							\$ 252,388

Salaries Part-time		PART TIME					
NAME	TITLE	Hours/ week	Hourly rate	Weeks			Total Salary for Budget Year <i>Rounded up</i>
MEDC Intern	Internships / Summer 2019	32	12.50	8			\$ 3,500
Salaries Part-time Total							\$ 3,500

Grand Total Salaries							\$ 255,888
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Employee Benefits / Payroll Taxes							
	ITEMIZE AND JUSTIFY:						AMOUNT
	Health, Dental, Retirement, etc.						\$ 35,300
	Employer Payroll Taxes						\$ 24,000
	Workers' Compensation Ins. Plan						\$ 650
					Total		\$ 59,950
Total Salaries							\$ 255,888
Grand Total Payroll Expenses							315,838.00

# Expenses

Expenses	MATERIALS AND SUPPLIES	
This category covers collectively all operating supplies and services, which are defined as consumable commodities, necessary to conduct business: for example, office and custodial supplies, printing and reproducing marketing collateral, subscriptions, postage, repairs and office maintenance, etc.		
ITEMIZE AND JUSTIFY		Amount Requested
Advertising/Marketing Supplies & Services (Ex. E-Newsletter & E-Survey Services, Creation of Marketing Flyers such as Retail/Case Studies/Incentives Toolbox, etc.)		\$ 3,100
Conferences/Meetings (Ex. Registration Fees for business events, luncheons, receptions & misc. attendance & hosting expenditures)		\$ 4,000
Maintenance & Repair (Ex. Office Cleaning, Office Fixtures & Dry Cleaning/Carpet Cleaning)		\$ 500
Membership Fees/Subscriptions (Ex. CoStar Realty Services, Yearly Newspaper Subscriptions & Membership Dues)		\$ 17,800
Office Supplies (Ex. Paper, pens, notepads, binders, paper clips, staples, labels, coffee, water, etc. - Including small/light office equip <\$100)		\$ 3,000
Printing & Reproduction (Ex. Xerox Services, Re-print Marketing Collateral & Special Article Poster Prints)		\$ 2,200
Reimbursable Expenses (Ex. Employee mileage for business use, office supplies, etc.)		\$ 1,900
Website Services (Ex. Hosting Services, Domains, Internet)		\$ 1,400
Office Equipment >\$1000 (Ex. Server, Laptop replacement for staff)		\$ 5,500
	TOTAL MATERIALS & SUPPLIES	\$ 39,400

# Expenses

Expenses	CONTRACTED SERVICES				
	Covers operating services obtained by contract with outsourced vendor. For example: accounting services, marketing & communications vendor, payroll services, etc.				
ITEMIZE AND JUSTIFY:				AMOUNT	
Accounting/Book Keeping				\$5,500	
- CPA on Retainer/Yearly Filings					
- Annual Financial Audit					
- Fiscal End Process					
Professional/Consultant Fees				\$30,000	
Media Contractor					
IT Services				\$2,000	
- Tech on Retainer/Maintenance					
- Computer Services & Licenses					
ADP Payroll Services				\$2,900	
- Processing Charges/Fees					
- Tax Services					
- Year End Processing					
TOTAL				\$40,400	

# Expenses

Expenses	OCCUPANCY				
Marlborough Economic Development Corporation (MEDC)					Requested Amount
91 Main Street, Suite 203B / 204					
	Lease Agreement				\$ 23,500
	Directors & Office Liability Insurance				\$ 1,950
	Utilities				\$ 4,500
	- Phone Services				
	- Electricity Supply				
	TOTAL				\$ 29,950

Expenses

Expenses	SPECIAL PROJECTS	
<b>SPECIAL PROJECTS:</b>		<b>AMOUNT FY20</b>
<b><u>Business Retention &amp; Expansion</u></b>		
Founders Reception	Annual Thank You event	\$ 2,500
Marketing Collateral	General MEDC Ads/Marketing Collateral (i.e. RLF Program, Flyers, etc.)	\$ 3,000
Co-hosted Business Event(s)	Marlborough Chamber (i.e. Procurement Workshop)	\$ 5,000
Hosted Outreach Events (Attraction)	4 Outreach events/trips (i.e. w/ MassEcon - Site Selectors, BIO)	\$ 15,000
Job Fair / Workshops	Annual Workforce events	\$ 10,000
Conferences, Meetings, Events, Tradeshows etc.	Conferences, Meetings, Events, Tradeshows (i.e. AUVSI, MD&M, CoreNet)	\$ 21,000
Focus Group/Event (Retention)	Targeted event (i.e. Commercial Brokers)	\$ 4,000
Media Buy Branding Campaign ("Think Marlborough")	Targeted print/digital campaign - Branding Marlborough	\$ 32,000
Transportation	Zagster Program	\$ 60,000
	<b>Total</b>	<b>\$ 152,500</b>
<b><u>Hospitality &amp; Sports Tourism</u></b>		
Visit-Marlborough Website	Maintenance & Development	\$ 1,000
Marlborough Restaurant Association - Training	Training Initiative (ServSafe & CPR classes)	\$ 10,000
Hospitality Business Development	Hotel / Restaurant & Sports Tourism	\$ 10,000
Phantom Gourmet	Marketing Partnership	\$ 25,000
	<b>Total</b>	<b>\$ 46,000</b>
<b><u>Urban Village Development / Community</u></b>		
Downtown & French Hill Beautification	Lighting, Landscaping, Blade signs, etc.	\$ 25,000
	<b>Total</b>	<b>\$ 25,000</b>
<b><u>City Services</u></b>		
City Planning Services - City of Marlborough	Analysis & Technical Assistance	<b>Total</b> \$ 50,000
	<b>TOTAL SPECIAL PROJECTS</b>	<b>\$ 273,500</b>



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
OF MARLBOROUGH

2019 APR -4 A 11:46

*Arthur G. Vigeant*  
MAYOR

*Kate Flanagan*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

April 3, 2019

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Reimbursement Acceptance – Marlborough Fire Department**

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a reimbursement for the Marlborough Fire Department in the amount of \$7,409.02. This reimbursement was awarded by the Federal Emergency Management Agency through Massachusetts Emergency Management Agency.

As the letter from Assistant Chief Flynn states, the funds will be used toward snow storm expenditures from the storm of March 13, 2018. The total expenditures for the storm were \$9,878.69. The reimbursement to the City is for 75% of the total expenditures totaling \$7,409.02.

If you have any questions, please do not hesitate to contact me or Assistant Chief Frederick F. Flynn.

Sincerely,

**Arthur G. Vigeant**  
**Mayor**

Enclosures



**CITY OF MARLBOROUGH  
FIRE DEPARTMENT**

215 Maple Street, Marlborough, MA 01752  
Business (508) 624-6986 Facsimile (508) 460-3795

April 3, 2019

Mayor Vigeant,

The winter storm of March 13, 2018 was declared a reimbursable event by FEMA. After many meetings and submittals to FEMA the City has received the first part of the winter storm reimbursement. This first payment was for expenses incurred for Fire Department staffing and the second and much more substantial payment for the snow removal is still being processed. I have attached the supporting documentation.

A handwritten signature in black ink, reading "Frederick F. Flynn".

Frederick F. Flynn  
Assistant Fire Chief, Emergency Management Director



Issued May  
2004



## COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

CONTRACTOR LEGAL NAME: City of Marlborough  
CONTRACTOR VENDOR/CUSTOMER CODE: VC6000192111

**INSTRUCTIONS:** Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

**NOTICE:** *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
FRED FLYNN	Assistant Chief, MFD
JEFF GOGAN	Assistant Chief, MFD
Celin Breen	Chief, MFD

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

Signature

Title

Fax

Date

Telephone

e-mail

[Listing can not be accepted without all of this information completed.]  
A copy of this listing must be attached to the "record copy" of a contract filed with the department



## COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at [www.mass.gov/osc](http://www.mass.gov/osc) under Guidance For Vendors - Forms or [www.mass.gov/osd](http://www.mass.gov/osd) under OSD Forms.

<b>CONTRACTOR LEGAL NAME:</b> City of Marlborough (and d/b/a):		<b>COMMONWEALTH DEPARTMENT NAME:</b> Massachusetts Emergency Management Agency <b>MMARS Department Code:</b> CDA	
<b>Legal Address: (W-9, W-4, T&amp;C):</b> 140 Main St Marlborough, MA. 01752-		<b>Business Mailing Address:</b> 400 Worcester Road, Framingham, MA 01702	
<b>Contract Manager:</b> Fred Flynn, Asst. Fire Chief/EMD		<b>Billing Address (if different):</b>	
<b>E-Mail:</b> <a href="mailto:fflynn@marlborough-ma.gov">fflynn@marlborough-ma.gov</a>		<b>Contract Manager:</b> Erica Heidelberg, Disaster Recovery Unit Supervisor	
<b>Phone:</b> (508) 624-6984	<b>Fax:</b>	<b>E-Mail:</b> <a href="mailto:Erica.heidelberg@mass.gov">Erica.heidelberg@mass.gov</a>	
<b>Contractor Vendor Code:</b> VC6000192111		<b>Phone:</b> (508) 820-2033	<b>Fax:</b> (508) 820-1404
<b>Vendor Code Address ID (e.g. "AD001"):</b> AD001 (Note: The Address ID must be set up for EFT payments.)		<b>MMARS Doc ID(s):</b> CTFEMA4379MARLB00017	
		<b>RF/Procurement or Other ID Number:</b> FEMA-4379-DR-MA	
<input checked="" type="checkbox"/> <b>NEW CONTRACT</b> <b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only) <input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department) <input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget) <input type="checkbox"/> <b>Department Procurement</b> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach Employment Status Form, scope, budget) <input checked="" type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification, scope and budget)		<input type="checkbox"/> <b>CONTRACT AMENDMENT</b> Enter Current Contract End Date <u>Prior</u> to Amendment: Enter Amendment Amount: \$ _____. (or "no change") <b>AMENDMENT TYPE:</b> (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <b>Amendment to Scope or Budget</b> (Attach updated scope and budget) <input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification and updated scope and budget)	
The following <b>COMMONWEALTH TERMS AND CONDITIONS</b> (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
<b>COMPENSATION:</b> (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <b>Rate Contract</b> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <b>Maximum Obligation Contract</b> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being ended): \$ <u>7,409.02</u>			
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ____% PPD; Payment issued within 15 days ____% PPD; Payment issued within 20 days ____% PPD; Payment issued within 30 days ____% PPD. If PPD percentages are left blank, identify reason: <input type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (G.L. c. 29, § 23A); <input checked="" type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> All work is subject to the Stafford Act and all requirements of 'Attachment A' are incorporated under this contract. (Reference CFDA# 97.036) PW PW-00017(0) To reimburse for FEMA 4379 March 13 <sup>th</sup> Snowstorm for Emergency Protective Measures-Fire Department			
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the <b>Effective Date</b> (latest signature date below) and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <b>LATER</b> than the <b>Effective Date</b> below and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input checked="" type="checkbox"/> 3. were incurred as 03/13/2018 a date <b>PRIOR</b> to the <b>Effective Date</b> below, and the parties agree that payments for any obligations incurred prior to the <b>Effective Date</b> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of 4/30/2019, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b> X: <u>Frederick F Flynn</u> Date: <u>2/15/19</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>FREDERICK F FLYNN</u> Print Title: <u>ASST. FIRE CHIEF/FEMA DIR.</u>		<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b> X: <u>David Mahr</u> Date: <u>3/7/19</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David Mahr</u> Print Title: <u>Chief Administrative Officer</u>	

PW-00017(0)



# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



## INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS

The following instructions and terms are incorporated by reference and apply to this Standard Contract Form. Text that appears underlined indicates a "hyperlink" to an Internet or bookmarked site and are unofficial versions of these documents and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Using the Web Toolbar will make navigation between the form and the hyperlinks easier. Please note that not all applicable laws have been cited.

**CONTRACTOR LEGAL NAME (AND D/B/A):** Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions if Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

**Contractor Legal Address:** Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions, which must match the legal address on the 10991 table in MMARS (or the Legal Address in HRCMS for Contract Employee).

**Contractor Contract Manager:** Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on COMMBUYS, the name of the Contract Manager must be included in the Contract on COMMBUYS.

**Contractor E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

**Contractor Vendor Code:** The Department must enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the Vendor File and W-9s Policy for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

**Vendor Code Address ID:** (e.g., "AD001") The Department must enter the MMARS Vendor Code Address ID identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the Bill Paying and Vendor File and W-9 policies.

**COMMONWEALTH DEPARTMENT NAME:** Enter the full Department name with the authority to obligate funds encumbered for the Contract.

**Commonwealth MMARS Alpha Department Code:** Enter the three (3) letter MMARS Code assigned to this Commonwealth Department in the state accounting system.

**Department Business Mailing Address:** Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for legal notice.

**Department Billing Address:** Enter the Billing Address or email address if invoices must be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

**Department Contract Manager:** Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

**Department E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

**MMARS Document ID(s):** Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc IDs.

**RFR/Procurement or Other ID Number or Name:** Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

## NEW CONTRACTS (left side of Form):

Complete this section ONLY if this Contract is brand new. (Complete the **CONTRACT AMENDMENT** section for any material changes to an existing or an expired Contract,

and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

**PROCUREMENT OR EXCEPTION TYPE:** Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See State Finance Law and General Requirements, Acquisition Policy and Fixed Assets, the Commodities and Services Policy and the Procurement Information Center (Department Contract Guidance) for details.

**Statewide Contract (OSD or an OSD-designated Department):** Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

**Collective Purchase approved by OSD:** Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

**Department Contract Procurement:** Check this option for a Department procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

**Emergency Contract:** Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

**Contract Employee:** Check this option when the Department requires the performance of an Individual Contractor, and when the planned Contract performance with an Individual has been classified using the Employment Status Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

**Legislative/Legal or Other:** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "eemarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

## CONTRACT AMENDMENT (Right Side of Form)

Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) ("See Amendments, Suspensions, and Termination Policy.)

**Enter Current Contract End Date:** Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

**Enter Amendment Amount:** Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

**AMENDMENT TYPE:** Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. Amendment to Scope or Budget. Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

**Interim Contracts:** Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an Interim Contractor when a current Contractor is unable to complete full performance under a Contract.

**Contract Employee:** Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

**Legislative/Legal or Other:** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "eemarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly posted.

## COMMONWEALTH TERMS AND CONDITIONS

Identify which Commonwealth Terms and Conditions the Contractor has executed and is incorporated by reference into this Contract. This Form is signed only once and recorded on the Vendor Customer File (VCUST). See Vendor File and W-9s Policy.

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



## COMPENSATION

Identify if the Contract is a Rate Contract (with no stated Maximum Obligation) or a Maximum Obligation Contract (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as available and encumbered prior to incurring obligations. If a Contract includes both a Maximum Obligation component and Rate Contract component, check off both, specific Maximum Obligation amounts or amended amounts and Attachments must clearly outline the Contract breakdown to match the encumbrance.

## PAYMENTS AND PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth Bill Paying Policy for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payments is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under G.L.c. 29, s. 23A). See Prompt Pay Discounts Policy. PPD are identified as a percentage discount which will be automatically deducted when an accelerated payment is made. Reduced contracts rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify that the Contractor agrees to the standard 45 day cycle; a statutory/legal exemption such as Ready Payments (G.L.c. 29, § 23A); or only an initial accelerated payment for reimbursements or start up costs for a grant, with subsequent payments scheduled to support standard EFT 45 day payment cycle. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

## BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the Expenditure Classification Handbook) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2012" or "FY2012-14"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

## ANTICIPATED START DATE

The Department and Contractor must certify WHEN obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the Effective Date (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2012" or "FY2012-14") in the Brief Description section. Performance starts and encumbrances reflect the default Effective Date (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to fiscal year. Option 3 is used in lieu of the Settlement and Release Form when the Contract/Amendment is signed late, and obligations have already been incurred by the Contractor prior to the Effective Date for which the Department has either requested, accepted or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility, and approximate costs. Any obligations incurred outside the scope of the Effective Date under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth from further obligations for the identified performance. All settlement payments require justification and must be under same encumbrance and object codes as the Contract payments. Performance dates are subject to G.L.c.4, §9.

## CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here. A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance

obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to G.L.c.4, §9.

## CERTIFICATIONS AND EXECUTION

See Department Head Signature Authorization Policy and the Contractor Authorized Signatory Listing for policies on Contractor and Department signatures.

Authorizing Signature for Contractor/Date: The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Contract Start Date". Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. Rubber stamps, typed or other images are not acceptable. Proof of Contractor signature authorization on a Contractor Authorized Signatory Listing may be required by the Department if not already on file.

Contractor Name /Title: The Contractor Authorized Signatory's name and title must appear legibly as it appears on the Contractor Authorized Signatory Listing.

Authorizing Signature For Commonwealth/Date: The Authorized Department Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Start Date". Rubber stamps, typed or other images are not accepted. The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See Department Head Signature Authorization. The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an approved Interdepartmental Service Agreement (ISA). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

Department Name /Title: Enter the Authorized Signatory's name and title legibly.

## CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein:

Commonwealth and Contractor Ownership Rights. The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

Qualifications. The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability, and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the Secretary of State's website as licensed to do business in Massachusetts, as required by law.

Business Ethics and Fraud, Waste and Abuse Prevention. The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

Collusion. The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

Public Records and Access. The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under Executive Order 195 and G.L.c. 11, s.12 seven (7) years beginning on the first day after the final payment under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under 950 C.M.R. 32.00.

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



Debarment. The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including Executive Order 147; G.L. c. 29, s. 29F; G.L. c. 30, s. 39R; G.L. c. 149, s. 27C; G.L. c. 149, s. 44C; G.L. c. 149, s. 148B; and G.L. c. 152, s. 25C.

Applicable Laws. The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable Massachusetts General Laws; the Official Code of Massachusetts Regulations; Code of Massachusetts Regulations (unofficial); 801 CMR 21.00 (Procurement of Commodity and Service Procurements, including Human and Social Services); 815 CMR 2.00 (Grants and Subsidies); 808 CMR 1.00 (Compliance, Reporting and Auditing for Human And Social Services); AICPA Standards; confidentiality of Department records under G.L. c. 66A; and the Massachusetts Constitution Article XVIII if applicable.

Invoices. The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth Bill Paying Policy. Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15<sup>th</sup> for performance made and received (goods delivered, services completed) prior to June 30<sup>th</sup>, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15<sup>th</sup> or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

Payments Subject To Appropriation. Pursuant to G.L. c. 29, s. 26, s. 27 and s. 29, Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by G.L. c. 29, s. 9C. A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

Intercept. Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to G.L. c. 7A, s. 3 and 815 CMR 9.00. Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

Tax Law Compliance. The Contractor certifies under the pains and penalties of perjury tax compliance with Federal tax laws; state tax laws including but not limited to G.L. c. 62C, G.L. c. 62C, s. 49A; compliance with all state tax laws, reporting of employees and contractors, withholding and remitting of tax withholdings and child support and is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under G.L. c. 62E; withholding and remitting child support including G.L. c. 119A, s. 12; TIR 05-11; New Independent Contractor Provisions and applicable TIRs.

Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts. The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing at least 45 days prior to filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is any risk to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

Federal Anti-Lobbying and Other Federal Requirements. If receiving federal funds, the Contractor certifies compliance with federal anti-lobbying requirements including 31 USC 1352; other federal requirements; Executive Order 11246; Air Pollution Act; Federal Water Pollution Control Act and Federal Employment Laws.

Protection of Personal Data and Information. The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under G.L. c. 93H and c. 66A and Executive Order 504. The Contractor

is required to comply with G.L. c. 93I for the proper disposal of all paper and electronic media, backups or systems containing personal data and information, provided further that the Contractor is required to ensure that any personal data or information transmitted electronically or through a portable device be properly encrypted using (at a minimum) Information Technology Division (ITD) Protection of Sensitive Information, provided further that any Contractor having access to credit card or banking information of Commonwealth customers certifies that the Contractor is PCI compliant in accordance with the Payment Card Industry Council Standards and shall provide confirmation compliance during the Contract, provide further that the Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to G.L. c. 214, s. 3B.

Corporate and Business Filings and Reports. The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the Secretary of the Commonwealth, the Office of the Attorney General or other Departments as related to its conduct of business in the Commonwealth; and with its incorporating state (or foreign entity).

Employer Requirements. Contractors that are employers certify compliance with applicable state and federal employment laws or regulations, including but not limited to G.L. c. 5, s. 1 (Prevailing Wages for Printing and Distribution of Public Documents); G.L. c. 7, s. 22 (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); minimum wages and prevailing wage programs and payments; unemployment insurance and contributions; workers' compensation and insurance; child labor laws; AGO fair labor practices; G.L. c. 149 (Labor and Industries); G.L. c. 150A (Labor Relations); G.L. c. 151 and 455 CMR 2.00 (Minimum Fair Wages); G.L. c. 151A (Employment and Training); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); G.L. c. 152 (Workers' Compensation); G.L. c. 153 (Liability for Injuries); 29 USC c. 8 (Federal Fair Labor Standards); 29 USC c. 28 and the Federal Family and Medical Leave Act.

Federal And State Laws And Regulations Prohibiting Discrimination including but not limited to the Federal Equal Employment Opportunity (EEO) Laws the Americans with Disabilities Act; 42 U.S.C. Sec. 12101, et seq., the Rehabilitation Act; 29 USC c. 16, s. 794; 29 USC c. 16, s. 701; 29 USC c. 14, 623; the 42 USC c. 45; (Federal Fair Housing Act); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); the Public Accommodations Law; G.L. c. 272, s. 92A; G.L. c. 272, s. 98 and 98A, Massachusetts Constitution Article CXIV and G.L. c. 93, s. 103; 47 USC c. 5, sec. II, Part II, s. 255 (Telecommunication Act; Chapter 149, Section 105D, G.L. c. 151C, G.L. c. 272, Section 92A, Section 98 and Section 98A, and G.L. c. 111, Section 199A, and Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities, and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also MCAD and MCAD Links and Resources.

Small Business Purchasing Program (SBPP). A Contractor may be eligible to participate in the SBPP, created pursuant to Executive Order 523, if qualified through the SBPP COMMBUYS subscription process at: www.commbuys.com and with acceptance of the terms of the SBPP participation agreement.

Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized). The Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U75, U98 object codes in the Expenditure Classification Handbook or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



**Northern Ireland Certification.** Pursuant to G.L. c. 7 s. 22C for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief, and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

**Pandemic, Disaster or Emergency Performance.** In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

**Consultant Contractor Certifications (For Consultant Contracts "HH" and "NN" and "U05" object codes subject to G.L. Chapter 29, s. 29A).** Contractors must make required disclosures as part of the RFR Response or using the Consultant Contractor Mandatory Submission Form.

**Attorneys.** Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to G.L. c. 30, s. 65, and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

**Subcontractor Performance.** The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

## EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable Executive Orders (see also Massachusetts Executive Orders), including but not limited to the specific orders listed below. A breach during period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

**Executive Order 481, Prohibiting the Use of Undocumented Workers on State Contracts.** For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

**Executive Order 130, Anti-Boycott.** The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See IRC § 999(b)(3)-(4), and IRS Audit Guidelines Boycotts) or engages in conduct declared to be unlawful by G.L. c. 151E, s. 2. A breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

**Executive Order 346, Hiring of State Employees By State Contractors** Contractor certifies compliance with both the conflict of interest law G.L. c. 268A specifically s. 5 (f) and this order, and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

**Executive Order 444, Disclosure of Family Relationships With Other State Employees.** Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

**Executive Order 504, Regarding the Security and Confidentiality of Personal Information.** For all Contracts involving the Contractor's access to personal information, as defined in G.L. c. 93H, and personal data, as defined in G.L. c. 66A, owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth Information Technology Division's Security Policies. Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's "Security Policies" (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"); (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the Commonwealth's Terms and Conditions, withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under G.L. c. 214, § 3B for violations under M.G.L. c. 66A.

**Executive Orders 523, 524 and 526, Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes Executive Order 478), Executive Order 524 (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390), Executive Order 523 (Establishing the Massachusetts Small Business Purchasing Program.)** All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.





THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

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Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Thomas A. Turco III  
Secretary

Kurt N. Schwartz  
Director

February 8, 2019

**MEMA Scope, Terms, and Conditions (Attachment A)**

**CTFEMA4379MARLB00017**

**Contractor: City of Marlborough**

Disaster Declaration

Beginning March 13, 2018, the Commonwealth of Massachusetts experienced a 1-day period of a Severe Winter Storm and Snowstorm (with Snow Assistance). As a result, on July 19, 2018, Massachusetts received a Presidential declaration of disaster designated **FEMA-4379-DR-MA** for the incident period of March 13-14, 2018, including Public Assistance for Essex, Middlesex, Norfolk, Suffolk and Worcester Counties. Snow Assistance will be provided for a period of 48 hours for Essex, Middlesex, Norfolk, Suffolk, and Worcester Counties.

Parties

The Contractor or (sub-recipient) is an eligible public or private not-for-profit entity that has submitted a request for public assistance as an applicant to the Federal Emergency Management Agency (FEMA) Public Assistance Program and has received an approved award. The sub-recipient must be represented by a duly authorized official(s) of the Contractor whose signature(s), authorization(s), and/or certification(s) legally represent and bind the Contractor. The Commonwealth of Massachusetts, acting through its Massachusetts Emergency Management Agency ("Department"), is the non-Federal Grantee responsible for administering all public assistance as pass-through grants for FEMA. The Contractor is a Sub-recipient of the Commonwealth of Massachusetts that enters into contract # **CTFEMA4379MARLB00017** as described in this Attachment A.

Purpose

The FEMA Public Assistance (PA) program reimburses approved applicants for the federal share (75%) of eligible costs incurred by the Contractor for emergency protective measures taken by the Contractor to save lives, protect public health and safety, or prevent damage to improved public or private property or for permanent work to restore a damaged facility to its pre-disaster status as a result of damage from this declared disaster. This sub-grant contract provides federal share funding, through the Department, for the specific projects listed in the attached PW – Project Worksheet FEMA Form 90-91 Subgrant Application (PW-00017(0)).

Applicable Laws and Regulations

This contract is issued as a grant by the Commonwealth of Massachusetts and is subject to all applicable laws and regulations including, but not limited to, MGL Chapter 29, 815 CMR 2.00 and the Commonwealth

Standard Terms and Conditions. Funding is provided to the Commonwealth by FEMA as federal assistance for the major disaster designated FEMA-4379-DR-MA under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), in accordance with 44 CFR and 2 CFR 200. As a federal sub-recipient, the Contractor is responsible for compliance with any and all applicable federal and state laws, statutes, rules, regulations, and policies. It is also the responsibility of the Contractor to maintain detailed records of documents concerning the bidding, execution, payment, and completion of this project in compliance with state and federal audit requirements.

Compliance with Environmental Regulations:

The Contractor, as a sub-recipient, must follow all environmental review conditions imposed by FEMA on this grant award; these conditions are in the Record of Environmental Consideration included in this agreement, if applicable. The sub-recipient shall provide copies of all permits and approvals required in support of the project prior to construction. Failure to obtain all appropriate federal, state, and local environmental permits may jeopardize federal funding. Sub-Recipients are encouraged to integrate National Environmental Policy Act (NEPA) compliance and related legislation as implemented under 44 CFR Part 10, with the initial planning and decision making process for this program.

Insurance:

If the Contractor has insurance on the damaged facility, FEMA Insurance Specialists will review the insurance policy. FEMA Insurance Specialists anticipate that the figure denoted on line item 5900/01 of your 90-91 and described in the Insurance Narrative will be covered through your policy. Therefore these costs would be not eligible for FEMA reimbursement. The Contractor may be required to "obtain and maintain" property insurance to be eligible for this and any future disasters.

Audit Responsibilities

The Contractor, as a sub-recipient, is subject to the above federal and state regulations and related requirements as further described below. Approval of a project, project costs, contract or payment by either FEMA or MEMA does not exempt the Contractor from requirements to repay funds if required. Should a state, federal, or local audit or other oversight review process reveal that actions taken by the Contractor or approvals made by FEMA or MEMA, regardless of previous approval by either FEMA or MEMA, do not comply with regulations, the Contractor agrees to repay the required amounts in the manner and timeframe determined by FEMA and/or MEMA. Repayments not made as expected may be considered debts and addressed under the Commonwealth's Debt Collection and Intercept policy (815 CMR 9.00).

Completion of Work

Due to the unexpected nature of disasters, the effective contract start date on the Standard Contract signature page will most often be earlier than the dated signatures for both the Department and Contractor. The Contractor may be reimbursed for approved activity taking place no earlier than the effective start date as indicated on the Standard Contract signature page and extending to no later than 1/19/2019, the FEMA allotted time frame for project completion. All performance must be completed within these dates unless a period of performance extension is executed by both parties prior to the current end date. Based on extraordinary circumstances and when supported with appropriate justification, Period of Performance extensions may be granted by either MEMA or FEMA on a case-by-case basis in accordance with FEMA PA program policy. It is the responsibility of the Contractor to submit a completed time extension request to MEMA 60 days before the established time frame for completing eligible work expires. FEMA regulations provide reimbursement only for those costs incurred up to the latest approved completion date for a particular project.

Contract Dates

Work must be completed based on FEMA's Period of Performance as explained above. The contract end date applies to the contract only and does not extend the time limit on work completion.



### Budget

The Contractor has applied to FEMA for disaster assistance and has been approved for \$ 9,878.69 in total eligible costs. This contract is awarded to reimburse Contractor for 75% of eligible costs based on FEMA PA requirements. Funds may be expended only for the purposes described within the Scope of Work of the approved Project Worksheet (Form 90-91), which is hereby incorporated into this contract.

The total value of this contract is determined by the FEMA-approved Project Worksheet. Funding is made available over the life of the contract and is allocated based on state fiscal year projections (July 1 – June 30).

The total value of this contract is \$ 7,409.02. Fiscal year spending is projected as follows:

FY19: \$ 7,409.02

Amendments to fiscal year projections must be requested no later than May 1 to ensure a revised contract is executed prior to the end of the state fiscal year. FEMA approval is not required for an amendment to the state fiscal year budget as long as activity remains within the FEMA approved period of performance. Contractors cannot be reimbursed for costs over and above the fiscal year budget in the absence of an approved contract amendment.

### Payments

The Contractor is responsible for procurement, documentation, and expenditure of all funds used to support the project. All payments are subject to verification by the Department. Due to the unplanned nature of disasters, it is understood that many projects will have incurred 100% of their costs prior to contracting with MEMA.

#### *'Small' and 'Large' Project Payments*

A 'Small Project' is eligible for payment immediately after execution of the state contract. FEMA-designated Small Projects (less than \$125,500 for FFY2019) will be fully reimbursed after a state contract has been properly executed, even if the work has not been completed (44 CFR 206.205). Sub-recipients must submit all required documentation and a signed P.4 when the work is completed. The Department will review documentation to ensure work was related to the approved project. Per 44 CFR 206.205, if actual spending on a Small Project is less than the approved project amount, the sub-recipient is not required to return the funds. However, any Contractors seeking additional funds for Small Project cost overruns must first apply overages from other Small Projects before additional federal funds can be requested. Failure to complete a small project may require that reimbursement of federal funds be returned to the Department.

FEMA-designated 'Large Projects' (greater than \$125,500 for FFY2019) are paid on actual costs incurred for eligible work (not on cost estimates) and payment will be made upon receipt of all required supporting documentation. If the project is 100% complete at the time of FEMA approval, the Contractor must provide a signed P.4 as an invoice/payment request. Projects that are not 100% complete may be paid at the completion of the project or periodically throughout the life of the project as partial payments for actual costs incurred for FEMA-eligible work. All payment requests must be accompanied by proper back-up documentation including proof of payment. The Contractor will be reimbursed only for the amount of eligible, documented actual costs incurred. A signed P.4 is required for final payment of large projects accompanied by an approved 100% FEMA PW. All projects are subject to periodic inspection and verification by FEMA and/or MEMA personnel. Payment for Large Projects shall be no more than 75% of actual work supported by documentation of the work and match.

### Sub-recipient Match

The use of FEMA funds for their stated purposes requires a 25% non-federal cost-share contribution from the Contractor per 44 CFR 206.65. Cost-share contributions may be satisfied by either or both of: (1) allowable

costs incurred under the scope of performance for the PW funded by this contract and paid from non-federal sources, and/or (2) the value of third party in-kind contributions applicable to the period to which the cost-sharing requirements apply. Allowable costs paid from non-federal sources must not count towards satisfying a cost-sharing or matching requirement of any other award of federal funds. Execution of this contract constitutes the Contractors certification that it is applying non-federal sources to meet its cost-share obligation (2 CFR 200.306).

All sub-recipients are required (2 CFR 200.302) to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records shall include both Federal funds and all matching funds of State, local, and private organizations, when applicable. MEMA will verify match at time of payment for Large Projects.

#### Reporting

Contractor is a federal grant sub-recipient and therefore subject to all federal reporting requirements associated with FEMA-4379-DR-MA.

For any project not 100% completed at the time of contracting the Contractor must submit quarterly progress reports as required by the Department.

The Contractor must submit a P.4 Report for any 100% completed PW to certify that reported costs were incurred in the performance of eligible work, that the approved work was completed, that the project was completed and payments were made in compliance with the provisions of this contract and all other applicable governing documents.

#### Federal Funding Accounting and Transparency Act (FFATA)

FEMA federal funds are subject to the Federal Funding Accounting and Transparency Act (FFATA). Sub-recipient agrees to abide by FFATA regulations and to submit the attached FFATA form along with its contract package. The form is required if the amount, one time or aggregate, exceeds \$24,999.99.

#### 2 CFR 200 Subpart F Audit Reports, Subpart F Form.

Per Office of Management and Budget (OMB) regulations, sub-recipient may be subject to Subpart F audit requirements. Contractor agrees to submit the required Sub-recipient Pre-Award Risk Assessment Questionnaire response form. Sub-recipient agrees to notify MEMA of any Subpart F audit findings related to any federally funded activities. Sub-recipient acknowledges that a Corrective Action Plan may be required by MEMA for related findings prior to execution of contracts or issuance of payments.

#### Sub-recipient Risk Assessment and Monitoring

Per 2 CFR 200.331, prior to awarding of this contract, the sub-recipient must provide to the Department the attached Sub-recipient Risk Assessment Questionnaire and Response form. Sub-recipient further agrees to monitoring by the Department as a result of its assessment of the sub-recipient's risk for non-compliance.

#### Internal Controls

Per 2 CFR 200.303, sub-recipients must maintain and implement effective internal controls that provide reasonable assurance that federal funds are managed in compliance with all statutes, regulations, and terms and conditions.

Per 2 CFR 200.430 (Compensation), internal controls must cover payroll charges to federal awards such that payroll charges are documented as accurate, allowable, and allocable, are reflected in the official records of the sub-recipient, reasonably reflect the total activity for each employee (federal and non-federal), and comply with all accounting policies and practices of the sub-recipient.

### Procurement

Sub-recipient must conduct all procurements in compliance with 2 CFR 200.318-326. Specific policies, procedures, and/or standards must be in place that meet or exceed these requirements at the time of procurement. The Certification of Compliance with Federal Procurement Standards must be signed for each contract issued to the sub-recipient. Costs incurred which are otherwise appropriate and reasonable, but which were procured in violation of federal procurement requirements may result in disallowed costs or sub-recipient repayment obligations.

### Procurement Contract provisions

Contracts utilized by sub-recipients for goods and services must contain the applicable provisions described in 2 CFR 200 Appendix II.

### Disclosures

Per 2 CFR 200.112, the sub-recipient must disclose in writing any potential conflicts of interest to the Department.

Per 2 CFR 200.113, the sub-recipient must disclose in writing all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially effacing the federal award.

Per 44 CFR 206.253 and FEMA Public Assistance Policy on Insurance (FP 206-086-1), as a condition of FEMA assistance for permanent work to replace, restore, repair, reconstruct or construct a facility, the applicant must insure the facility and/or its contents against future loss (i.e. "obtain and maintain" insurance), with such types and amounts of insurance as are reasonable and necessary to protect against future loss to such property from the types of hazards which caused the major disaster. A sub-recipient should notify FEMA- in writing through the Department of changes to their insurance which impact their ability to satisfy the insurance requirement after it provides proof of insurance to FEMA. This includes changes related to self-insurance. If an applicant fails to do this, FEMA may de-obligate assistance and not provide assistance in a future disaster.

### FEMA Required Assurances

All sub-recipients must complete the attached Summary Sheet for Required Assurances and any associated assurances required.

### Records Management

The Contractor agrees that all financial and programmatic records, supporting documents, statistical records, and other records associated with this contract are required to be retained for a period of seven (7) years, beginning on the first day after the final payment under this contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or any inquiry involving this contract and/or any approved PWs funded by it. All of the following records may not be applicable to every project, but everything that does pertain to a project should be filed with the corresponding Project Worksheet.

### Certifications (200.415)

To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include a certification, signed by an official who is authorized to legally bind the non-Federal entity, which reads as follows: "By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

Non-profit organizations must certify as appropriate that they did not meet the definition of a major corporation as defined in 2 CFR 200.414 Indirect (F&A) costs, paragraph (a).

**Acceptance of Terms and Conditions**

Prior to acceptance of these terms and conditions, Contractor must evaluate its policies, procedures, and management systems for risk of non-compliance with any of the above terms and conditions, inclusive of all requirements of FEMA and 2 CFR 200. Any identified areas of risk must be brought to the attention of MEMA prior to the execution of the contract in order to determine and implement the appropriate remedy.

By signing below, the Contractor certifies that it understands all obligations and has in place or will implement policies and procedures that meet or exceed the standards and requirements above. Acceptance of payment for the activities under this agreement indicates that all actions taken by the sub recipient for the purposes of this grant program were done so in compliance with all grant requirements and all applicable laws and regulations, including the certification statement above.

FREDERICK F. FLYNN  
Print Name

Frederick F. Flynn  
Signature

Asst. Fire Chief / EMA Dir. 2/15/19  
Title Date

Certification of Compliance with Federal Procurement Standards

All sub-recipient spending under the FEMA Public Assistance Program must comply with the federal procurement standards described in 2 CFR 200.317 through 200.326<sup>1</sup>. Sub-recipients must expend funds under their official, documented procurement procedures which comply with applicable federal, state, local, and tribal laws and regulations. **Non-compliance with the applicable procurement regulations can result in unallowable costs and no reimbursement.**

If the sub-recipient does not have documented procurement procedures, MEMA will not provide a contract. If the sub-recipient's procurement procedures are inadequate, MEMA will not provide a contract until appropriate revisions have been made to assure all expenditures will be made in compliance with the applicable federal, state, local, and tribal procurement requirements.

These questions must be responded to by the person who manages and/or conducts procurement for the applicant as a whole (i.e., for municipal programs, this form must be completed and signed by the person who manages and/or conducts procurement on behalf of the municipality).

1. Procurement(s) conducted under the above-referenced grant program will comply with my organization's procurement procedures which are documented and reflect current procurement practices (applicant should state Yes or No) yes

2. My organization's procurement procedures comply with the federal procurement standards found at 2 CFR 200.317 through 200.326 (applicant should state Yes or No) yes

Name of person completing this form

Beverly J Sleeper

Title

Chief Procurement Officer

Signature

Beverly J Sleeper

Email

bsleeper@marlborough-ma.gov

Telephone

508-460-3707

Sub-Recipient Organization Name: City of Marlborough

<sup>1</sup> These regulations may be found in their entirety on the U.S. GPO's website here:

<https://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-part200/content-detail.html>

Federal Emergency Management Agency Project Application Grant Report (P.2) Disaster: FEMA-4379-DR-MA			
Capture Date: 01/07/2019 14:23			
Number of Records: 1			
Applicant ID: 017-18715-00 Backup Bundle #: PA-01-MA-4379-FW-00017(27)		Applicant: MARLBOROUGH (RR NAME MARLBOROUGH)	
PW #	Cat	Cost Share	Approved PW Amount (\$)
PA-01-MA-4379-FW-00017(2)	B	M	9,878.69
Facility Number: 1			
Facility Name: Damage # 169154; Emergency Protective Measures (Marlborough Fire Department)			
Location: 115 Maple St. Marlborough, Massachusetts 01752 169154 Marlborough Fire Department			
Work Completed			
The applicant utilized force account labor for the Emergency Protective Measures to increase staffing of firefighters and emergency medical services (EMS) during a snow storm in Marlborough, Mass.			
Cost share for this version is 75%. All work and costs in this project fall between 3/13/18 and 3/14/18.			
Fire Department			
A. Provided additional firefighting and EMS through force account labor.			
1. Force account labor Overtime - 7 Laborer(s) - 168 hours \$9,878.69			
Project Notes:			
1. Scope and cost were developed based on sub-recipient cost summaries and certification.			
2. The Applicant's DAC claim has been provided for this project. In accordance with policy FP 104-11-2, this claim must be written on a separate single management cost project for the applicant.			
Scope of Work:			
1 PW	PWs (\$)	Subgrantee Admin Exp. (\$)	Total (\$)
Amount Eligible (\$)	9,878.69	0.00	9,878.69
Federal Share (\$)	7,409.02	0.00	7,409.02



PA-01-MA-4379-PW-00017(0) <u>P</u>	
Applicant Name:	Application Title:
MARLBOROUGH (RR NAME MARLBORO)	67025 - APP-CERT- Fire Department Staffing
Period of Performance Start:	Period of Performance End:
07-19-2018	01-19-2019

Bundle Reference # (Amendment #)	Date Awarded
PA-01-MA-4379-PW-00017(27)	01-04-2019

### Subgrant Application - FEMA Form 90-91

Note: The Effective Cost Share for this application is 75%

#### FEDERAL EMERGENCY MANAGEMENT AGENCY PROJECT WORKSHEET

DISASTER	PROJECT NO.	PA ID NO.	DATE	CATEGORY
FEMA 4379 - DR -MA	67025	017-38715-00	11-28-2018	B

APPLICANT: MARLBOROUGH (RR NAME MARLBORO)		WORK COMPLETE AS OF: 11-28-2018 : 100 %	
Site 1 of 1			
DAMAGED FACILITY:		COUNTY: Middlesex	
Damage # 169154; Emergency Protective Measures (Marlborough Fire Department)			
LOCATION:		LATITUDE:	LONGITUDE:
PA-01-MA-4379-PW-00017(0): 215 Maple St. Marlborough, Massachusetts 01752		42.34031	-71.54262
Current Version:			
DAMAGE DESCRIPTION AND DIMENSIONS:			
PA-01-MA-4379-PW-00017(0): The Disaster #4379DR, which occurred between 3/13/2018 and 3/14/2018, caused:			
Damage # 169154; Emergency Protective Measures (Marlborough Fire Department)			
During the incident period of 3/13/2018 through 3/14/2018, a(n) Winter Storm created an immediate threat to the health and safety of the general public requiring emergency response and protective measures.			
Provided increased firefighting and emergency medical services for the community affected by a snow storm at 215 Maple St. Marlborough, Massachusetts 01752 GPS 42.340310, -71.542620 from 3/13/2018 to 3/14/2018.			
Current Version:			
SCOPE OF WORK:			
PA-01-MA-4379-PW-00017(0): 169154 Marlborough Fire Department			
Work Completed			
The applicant utilized force account labor for the Emergency Protective Measures to increase staffing of firefighters and emergency medical services (EMS) during a snow storm in Marlborough, Mass.			
Cost share for this version is 75%. All work and costs in this project fall between 3/13/18 and 3/14/18.			

Generated Date: 02/08/2019 18:08

Federal Emergency Management Agency  
Project Completion and Certification Report (P-4)  
Disaster: FEMA-4379-DR-MA

Applicant FIPS ID: 017-38715-00 Applicant/Subdivision Name: MARLBOROUGH (RR NAME MARLBORO)

PW#	Amendment #	Approved Proj. Amt.	Cost Share	Cat	Bundle	Work Done By	Projected Compl. Date	% Compl. at Loss	File Amount	Actual Date Completed	Amt. Claimed by Applicant	Comments
PA-01-MA-4379-PW-00017	0	\$9,878.69	N	D	PA-01-MA-4379-PW-00017(27)	<i>force</i>	01-19-2019	100	\$9,878.69	<i>3/5/18</i>	<i>\$ 9878.69</i>	
Total for 1 PWs:		\$9,878.69										
Subgrantee Admin:		\$0.00										
Grand Total:		\$9,878.69										



Generated Date: 02/08/2019 18:08

Federal Emergency Management Agency  
Project Completion and Certification Report (P.4)  
Disaster: FEMA-4379-DR-MA

Applicant FIPS ID: 017-38715-00 Applicant/Subdivision Name: MARLBOROUGH (RR NAME MARLBORO)

Certification

I hereby certify that to the best of my knowledge and belief all work and costs claimed are eligible in accordance with the grant conditions, all work claimed has been completed, and all costs claimed have been paid in full. I certify that all funds were expended in accordance with the provisions of the signed FEMA-State Agreement and I recommend an approved amount of \$ 987,69

Signed: Andrew P. Ryan, Asst. Chief Date: 2/15/2019

Applicant's Authorized Representative

Signed: [Signature] Date: 2/27/19

Governor's Authorized Representative

pw  
00017

## Fire Department

A. Provided additional firefighting and EMS through force account labor.

1. Force account labor Overtime - 7 Laborer(s) - 168 hours \$9,878.69

## Project Notes:

1. Scope and cost were developed based on sub-recipient cost summaries and certification.

2. The Applicant's DAC claim has been provided for this project. In accordance with policy FP 104-11-2, this claim must be written on a separate single management cost project for the applicant.

## Current Version:

Does the Scope of Work change the pre-disaster conditions at the site? ☐ Yes ☒ NoSpecial Considerations included? ☒ Yes ☐ NoHazard Mitigation proposal included? ☐ Yes ☒ NoIs there insurance coverage on this facility? ☒ Yes ☐ No

## PROJECT COST

ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
		*** Version 0 ***			
		Work Completed			
1	9007	Labor	1/LS	\$ 9,878.69	\$ 9,878.69
				<b>TOTAL COST</b>	<b>\$ 9,878.69</b>

PREPARED BY Jessica L Roderick

TITLE PDMG

SIGNATURE

APPLICANT REP. Fred Flynn

TITLE Assistant Fire Chief,  
Emergency Management Dir.

SIGNATURE



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR -4 A 11:46

*Arthur G. Vigeant*  
MAYOR

*Kate Flanagan*  
EXECUTIVE AIDE

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlbrough-ma.gov](http://www.marlbrough-ma.gov)

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 3, 2019

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Donation Acceptance – Marlborough Fire Department**

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance donations for the Marlborough Fire Department in the amount of \$3,000.00. These donations were made by Dwayne Thompson, Michael Burnell and Andrew Eick of Cummings Properties, LLC.

As the letter from Fire Chief Kevin Breen notes, the funds will be used for employee appreciation.

If you have any questions, please do not hesitate to contact me or Chief Kevin Breen.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures



**City of Marlborough**  
**FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MASSACHUSETTS 01752**



March 7, 2019

Mayor Arthur G. Vigeant  
City Hall  
140 Main Street  
Marlborough, Ma. 01752

Dear Mayor Vigeant,

The Marlborough Fire Department has received donations totaling \$3,000.00 from Cummings Properties. These donations will be used for employee appreciation.

Attached is a completed Notification of Grant Award form, a copy of their correspondence and check. I respectfully request that this be forwarded to the City Council for approval.

Please let me know if you have any questions.

Sincerely,

Kevin J. Breen  
Fire Chief

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Fire DATE: 3/7/2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Kevin J. Breen, Fire Chief

NAME OF GRANT: Donation

GRANTOR: Cummings Properties

GRANT AMOUNT: \$3,000.00

GRANT PERIOD: \_\_\_\_\_

SCOPE OF GRANT/ Marlborough Fire Department employee appreciation

ITEMS FUNDED \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IS A POSITION BEING  
CREATED: No

\_\_\_\_\_

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

\_\_\_\_\_

\_\_\_\_\_

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS  
TO BE USED:

\_\_\_\_\_

\_\_\_\_\_

ANY OTHER EXPOSURE TO CITY?  
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: \_\_\_\_\_

\_\_\_\_\_

DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER  
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL  
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT



November 19, 2018

Marlborough Fire Department  
215 Maple Street  
Marlborough, MA 01752

Congratulations! We are delighted to present **Marlborough Fire Department** with the enclosed \$1,000 donation to be used for the area of greatest need. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

This gift is in honor of, and is being made at the recommendation of:  
**Dwayne Thompson,**

Through Employee Directed Giving, Cummings Properties is recognizing colleagues in its real estate division and at the affiliated New Horizons retirement communities in Marlborough and Woburn. Annually, the Company invites each valued team member to select a local charitable organization to receive a \$1,000 donation.

Since 2012, Employee Directed Giving has resulted in nearly \$2.25 million in donations to nonprofits like yours that are making a meaningful difference in the communities where our staff and their families live.

Please contact Communications Admin Cindy Carey at 781-569-2335 or [cxc@cummings.com](mailto:cxc@cummings.com) with questions. More information about Employee Directed Giving is available at [www.cummings.com/charity](http://www.cummings.com/charity).

Sincerely,

CUMMINGS PROPERTIES, LLC

Dennis A. Clarke, Chairman and CEO



**Share the good news!** Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using **#CummingsEDG**.

*PS. To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. Thank you.*

Line	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Net
CPM	Cummings Properties	9800-300	111318-259	11/13/2018		Staff Giving	1,000.00	0.00	1,000.00

Payor: Cummings Properties, LLC	Date 11/9/2018	Check No. 1179643	Check Amount 1,000.00
Payee: CITY OF MARLBOROUGH			

Retain this statement for your records

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

**Cummings Properties, LLC**  
**Woburn Cash Mgmt LLC., Escrow Agent**  
**200 West Cummings Park**  
**Woburn, MA 01801**

People's United Bank  
One Conant Street  
Danvers, MA 01923

53-7116  
2113

Date 11/9/2018	Check No. 1179643	Check Amount 1,000.00
----------------	-------------------	-----------------------

One Thousand AND 00/100 Dollars

Pay to the order of:

**CITY OF MARLBOROUGH**  
**FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MA 01752**

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT

November 19, 2018

Marlborough Fire Department  
215 Maple Street  
Marlborough, MA 01752

Congratulations! We are delighted to present **Marlborough Fire Department** with the enclosed \$1,000 donation to be used for the Marlborough Fire Department. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

This gift is in honor of, and is being made at the recommendation of:  
**Michael Burnell,**

Through Employee Directed Giving, Cummings Properties is recognizing colleagues in its real estate division and at the affiliated New Horizons retirement communities in Marlborough and Woburn. Annually, the Company invites each valued team member to select a local charitable organization to receive a \$1,000 donation.

Since 2012, Employee Directed Giving has resulted in nearly \$2.25 million in donations to nonprofits like yours that are making a meaningful difference in the communities where our staff and their families live.

Please contact Communications Admin Cindy Carey at 781-569-2335 or [cxcc@cummings.com](mailto:cxcc@cummings.com) with questions. More information about Employee Directed Giving is available at [www.cummings.com/charity](http://www.cummings.com/charity).

Sincerely,

CUMMINGS PROPERTIES, LLC



Dennis A. Clarke, Chairman and CEO



**Share the good news!** Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using **#CummingsEDG**.

*PS. To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. Thank you.*



Ent	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Net
CPM	Cummings Properties	9800-300	111318-257	11/13/2018		Staff Giving	1,000.00	0.00	1,000.00

Payor: Cummings Properties, LLC	Date: 11/9/2018	Check No.: 1179641	Check Amount: 1,000.00
Payee: CITY OF MARLBOROUGH			

Retain this statement for your records

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

**Cummings Properties, LLC**  
**Woburn Cash Mgmt LLC., Escrow Agent**  
**200 West Cummings Park**  
**Woburn, MA 01801**

People's United Bank  
One Conant Street  
Danvers, MA 01923

53-7116  
2113

Date: 11/9/2018	Check No.: 1179641	Check Amount: <b>1,000.00</b>
-----------------	--------------------	-------------------------------

**One Thousand AND 00/100 Dollars**

Pay to the order of:

**CITY OF MARLBOROUGH**  
**FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MA 01752**

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT



November 19, 2018

Kevin Breen  
Marlborough Fire Department  
215 Maple Street  
Marlborough, MA 01752-3898

Congratulations! We are delighted to present **Marlborough Fire Department** with the enclosed \$1,000 donation to be used for the Marlborough Fire Department. Along with this gift, please accept our heartfelt appreciation for your valuable work, as well as our very best wishes for your organization's continued success.

This gift is in honor of, and is being made at the recommendation of:  
**Andrew Eick,**

Through Employee Directed Giving, Cummings Properties is recognizing colleagues in its real estate division and at the affiliated New Horizons retirement communities in Marlborough and Woburn. Annually, the Company invites each valued team member to select a local charitable organization to receive a \$1,000 donation.

Since 2012, Employee Directed Giving has resulted in nearly \$2.25 million in donations to nonprofits like yours that are making a meaningful difference in the communities where our staff and their families live.

Please contact Communications Admin Cindy Carey at 781-569-2335 or [cxc@cummings.com](mailto:cxc@cummings.com) with questions. More information about Employee Directed Giving is available at [www.cummings.com/charity](http://www.cummings.com/charity).

Sincerely,

CUMMINGS PROPERTIES, LLC

A handwritten signature in black ink that reads 'Dennis Clarke'.

Dennis A. Clarke, Chairman and CEO



**Share the good news!** Draw attention to your cause by snapping a photo with the mini-poster on the back of this letter and posting it on social media, using **#CummingsEDG**.

*PS. To save your time and funding, please do not add our organization to any mailing lists. Although we are interested in the good work so many local nonprofits are doing, we are unable to read the vast amount of correspondence we receive. Thank you.*

Ent	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Net
CPM	Cummings Properties	9800-300	111318-258	11/13/2018		Staff Giving	1,000.00	0.00	1,000.00

Payor: Cummings Properties, LLC	Date 11/9/2018	Check No. 1179642	Check Amount 1,000.00
Payee: CITY OF MARLBOROUGH			

Retain this statement for your records

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER.

**Cummings Properties, LLC**  
**Woburn Cash Mgmt LLC., Escrow Agent**  
**200 West Cummings Park**  
**Woburn, MA 01801**

People's United Bank  
One Conant Street  
Danvers, MA 01923

53-7116  
2113

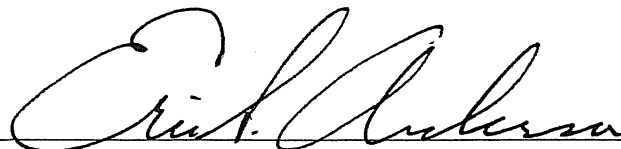
Date 11/9/2018	Check No. 1179642	Check Amount 1,000.00
----------------	-------------------	-----------------------

One Thousand AND 00/100 Dollars

Pay to the order of:

**CITY OF MARLBOROUGH**  
**FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MA 01752**

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE



SECURITY LOCKS WILL DISAPPEAR WHEN COPIED OR WITH NORMAL BODY HEAT



*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 APR -4 A 11:46

*Arthur G. Vigeant*  
MAYOR

*Kate Flanagan*  
EXECUTIVE AIDE

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlbrough-ma.gov](http://www.marlbrough-ma.gov)

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 3, 2019

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Donation Acceptance – Marlborough Police Department**

Honorable President Clancy and Councilors:

Please find enclosed for your acceptance a donation for the Marlborough Police Department in the amount of \$20.00. This donation was made by Marilyn Gaudette.

As the letter from Police Chief David Giorgi notes, the funds were donated for Summer programs, which include the Department's first Youth Academy to be held in July and August of this year.

If you have any questions, please do not hesitate to contact me or Chief David A. Giorgi.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures



# *City of Marlborough*

## *Police Department*

355 Bolton Street, Marlborough, Massachusetts 01752  
Tel. (508)-485-1212 Fax (508)-624-6938

*David A. Giorgi*  
Chief of Police

April 1, 2019



Mayor Arthur G. Vigeant  
City Hall  
140 Main Street  
Marlborough, MA 01752

Dear Mayor Vigeant:

The Marlborough Police Department has received a \$20 gift from Marilyn Gaudette of 21 Mill Street Central in Marlborough. Ms. Gaudette made a donation to the department for our "Summer Programs" which could include our department's first Youth Academy to be held in July and August 2019.

I have attached a copy of the check mailed by Ms. Gaudette and her accompanying card. I am requesting that the gift award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

David A. Giorgi  
Chief of Police

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: POLICE DATE: April 1, 2019

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: CHIEF DAVID A. GIORGI

NAME OF GRANT: \_\_\_\_\_

GRANTOR: MS. MARILYN GAUDETTE

GRANT AMOUNT: \$20.00

GRANT PERIOD: \_\_\_\_\_

SCOPE OF GRANT/  
ITEMS FUNDED DONATION  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: N/A  
\_\_\_\_\_

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? N/A

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:  
N/A  
\_\_\_\_\_

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS  
TO BE USED:  
N/A  
\_\_\_\_\_

ANY OTHER EXPOSURE TO CITY?  
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: NO  
\_\_\_\_\_

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER  
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL  
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**

*Hope knowing that you're thought of  
in a warm and caring way,  
brings a special touch of gladness  
that will brighten up your day!*


*Thank You for  
your efforts to keep  
the peace in our  
community.*

*Marilyn Gaudette*

MARILYN GAUDETTE  
21 MILL ST CENTRAL  
MARLBOROUGH, MA 01752

53-7075/2113  
01

April 1, 2019  
Date

Pay to the  
Order of Marlborough Police Dept \$ 20.00  
Twenty ~~no~~ 100 Dollars  Photo  
Safe  
Deposit  
Details on back

 **Main Street**  
BANK

MARLBOROUGH, MA 01752  
BankMainStreet.com

For Summer Programs Marilyn Gaudette  
20 88 103322 90 3794

David A. Giorgi  
Chief of Police

April 1, 2019

Mayor Arthur G. Vigeant  
City Hall





*City of Marlborough*  
*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Arthur G. Vigeant*  
MAYOR

*Kate Flanagan*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

140 Main Street  
Marlborough, Massachusetts 01752  
508.460.3770 Fax 508.460.3698 TDD 508.460.3610  
[www.marlbrough-ma.gov](http://www.marlbrough-ma.gov)

April 3, 2019

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

**Re: Reconsideration - Order No.18-1007441 – Electric Vehicle Charging Stations**

Honorable President Clancy and Councilors:

On October 9, 2018, the DPW was awarded a Workplace Charging Program in the amount of \$6,219.00. I request that you reconsider the conditions for installation of the electric vehicle charging stations. The conditions I recommend are as follows:

- The two charging stations will be set up for City use only.
- The charging stations will be installed on the first floor of the parking garage or a location that the Commissioner sees fit.

I request that the Council consider the conditions listed above. It is my recommendation that the charging stations be available to city employees only, avoiding the need to track small fees paid by the public. I also recommend that the charging stations be located on the first floor of the garage where the power is located. This will save money by avoiding the cost of running 220 lines to the roof.

It has been brought to my attention that the grant cannot be used to install a charging station at the DPW. The charging station at the DPW it will be paid for by the city. This letter also serves as a reminder that time is of the essence and we must move forward, or we will lose the grant funding.

Thank you for your reconsideration on this item. Should you require additional information or have any questions, please contact my office or Commissioner Ghiloni.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



## IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ DECEMBER 3, 2018

### ORDERED:

MOTION made by Councilor Juaire and seconded by Councilor Delano to amend the conditions to read as follows – **CARRIES**.

Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES WITH CONDITIONS** the Workplace Charging Program grant in the amount of \$6,219.00 awarded to DPW to fund 50% of the cost to purchase two Level 2 Electric Vehicle Charging Stations.

- 1) The two charging stations will be set up to require patrons to pay for charging their electric vehicles.
- 2) The parking spaces for the charging stations will have a 4-hour charging limit for non-municipal vehicles.
- 3) The charging stations will be placed at the Department of Public Works and on the top floor (roof deck) of the Carl Rowe Municipal Garage located behind City Hall.

In City Council  
Order No 18-1007441A  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date: December 11, 2018

A TRUE COPY  
ATTEST

  
City Clerk



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2019 APR -4 A 11:58

DONALD V. RIDER, JR.  
CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

April 4, 2019

Edward Clancy  
President  
Marlborough City Council

RE: Order No. 19-1007512B  
Application for a Special Permit  
Marc Buchan  
180 Cullinane Drive, Marlborough

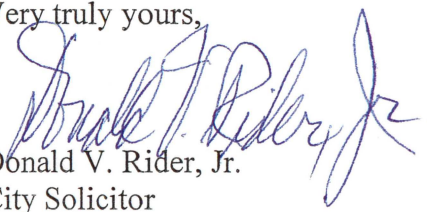
Dear President Clancy and Members:

Pursuant to Chapter 650-59.C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Marc Buchan, seeking permission to demolish the existing one story single-family dwelling located at 180 Cullinane Drive and to construct a new two-story single-family dwelling on the same existing foundation footprint.

In particular, the A-3 zoning district, where 180 Cullinane Drive is located, requires a side yard setback of 15', whereas the existing one-story single-family dwelling does not conform because of its existing side yard setback of 5'. The proposed reconstruction of the dwelling would add an additional second floor within the side yard setback area, thereby intensifying the setback nonconformity and requiring a special permit from the City Council.

I certify that the proposed decision, enclosed herewith, is in proper legal form.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Marc Buchan  
Jeffrey Cooke, Building Commissioner

**IN CITY COUNCIL**

**Marlborough, MA April \_\_, 2019**

**DECISION FOR SPECIAL PERMIT**

**IN CITY COUNCIL**

---

Special Permit  
Marc Buchan  
180 Cullinane Drive  
Marlborough, MA 01752

Order No. 19-1007512C

**DECISION ON AN APPLICATION FOR SPECIAL PERMIT**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Marc Buchan of 180 Cullinane Drive, Marlborough, MA 01752, as provided in this Decision and subject to the following Findings of Fact and Conditions:

**PROCEDURAL FINDINGS**

1. Marc Buchan, with an address of 180 Cullinane Drive, Marlborough, MA 01752, is the owner of real property located at 180 Cullinane Drive, Marlborough, MA 01752 (the "Applicant").
2. The Applicant is the owner of said real property which is described in a deed recorded with the Middlesex South District Registry of Deeds at Book 68745, Page 400, and identified on the City of Marlborough Assessor's Maps as Map 6, Parcel 115 (the "Site").
3. The Applicant, on or about December 18, 2018, filed with the City Clerk of the City of Marlborough an Application to City Council for Issuance of Special Permit (the "Application") under Section 12, Paragraph B of Chapter 650 (Zoning Ordinance) of the Code of the City of Marlborough to demolish the existing one story single-family dwelling located on the Site and to construct a new two-story single-family dwelling on the same existing foundation footprint (the "Project").
4. The Application consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit, (b) Special Permit-Summary Impact Statement, (c) Filing Fee check in the amount of \$300.00, (d) Plan Delivery Certification, (e) Tax Payment Certification, (f) Abutters List, (g) Existing and Preliminary Site Plans, (h) Architectural Drawings, (i) Certificate of Completeness of Application, and (j) Zoning

Denial Letter (dated November 20, 2018), (collectively the “Documents”), which Documents are incorporated herein and become a part of this Decision. Eleven sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer, and the Conservation Officer, all in accordance with Section 59 of Chapter 650 of the Zoning Ordinance of the City of Marlborough.

5. In accordance with the Rules and Regulations of the City Council and M.G.L. c. 40A, §§ 9 and 11, the City Council established a date for a public hearing on the Application, and caused to be advertised notice of said hearing and the date thereof in the Main Street Journal. All necessary abutters, as certified by the Office of the Marlborough Assessors, were provided notice as required by law.
6. The Marlborough City Council held a public hearing on the Application on February 25, 2019 in accordance with the published notice (the “Public Hearing”). The time for the City Council to take final action on the Application is May 26, 2019, a Sunday; per M.G.L. c. 4, § 9 the next succeeding business day for final action is Tuesday, May 28, 2019.
7. The Applicant presented testimony at the Public Hearing detailing the Project, its impact upon the neighborhood, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the Public Hearing. Subjects of concern were the deteriorated condition of the existing single-family dwelling, the proposed new two story single-family dwelling, and the existing foundation side setback. A direct abutter, Shawn McCarthy of 185 Cullinane Drive, spoke in support of the Project.
8. The Site is located in the A-3 zoning district.
9. The Building Commissioner has determined that the existing one-story single-family dwelling, which is located on a nonconforming lot, is a legal pre-existing nonconforming structure with respect to side yard setback; and that the proposed two-story single-family dwelling would increase or intensify the setback nonconformity. Specifically, the A-3 zoning district, where the Site is located, requires a side yard setback of 15', whereas the existing one-story single-family dwelling does not conform because of its existing side yard setback of 5'. The proposed reconstruction of the dwelling would add an additional second floor within the side yard setback area, thereby intensifying the setback nonconformity and requiring a special permit from the City Council. The Zoning Denial Letter of the Building Commissioner, dated November 20, 2018, is attached hereto as “Attachment A.”
10. The existing site plan submitted with the Application is entitled, “Existing Conditions Plan, Located at 180 Cullinane Drive, Marlborough MA; Prepared for: Marc Buchan, 65 Country Lane, Marlborough, MA 01752;” Prepared by: Land Planning, Inc., 167 Hartford Ave., Bellingham, MA 02019; graphic scale 1" = 10'; dated April 30, 2018 (Sheet No. 1) (the “Existing Conditions Plan”), attached hereto as “Attachment B.”

11. The site plan submitted with the Application is entitled, "Site Plan, Located at 180 Cullinane Drive, Marlborough MA; Prepared for: Marc Buchan, 65 Country Lane, Marlborough, MA 01752;" Prepared by: Land Planning, Inc., 167 Hartford Ave., Bellingham, MA 02019; graphic scale 1" = 10'; dated March 24, 2017 (Sheet No. 1) (the "Site Plan"), attached hereto as "Attachment C."
12. The architectural drawings submitted with the Application are entitled "Private Residence, 180 Cullinane Drive, Marlborough, MA;" Prepared by: VU Architecture, 167 Annie Moore Road, Bolton, MA 01740; dated August 31, 2017 (Drawing Nos. A-1, A-2, A-3, A-4) (the "Architectural Drawings") attached hereto as "Attachment D."

**BASED ON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDING OF FACT AND TAKES THE FOLLOWING ACTIONS:**

- A. The City Council finds that it may grant a Special Permit subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough.
- C. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- D. The City Council makes these findings subject to the completion and adherence by the Applicant, his successors and/or assigns to the conditions more fully set forth herein.
- E. The City Council finds that the expansion or alteration of the existing legally nonconforming one story single-family structure at the Site, by demolition thereof and construction of the proposed new two-story single-family dwelling, is not substantially more detrimental to the neighborhood than the existing non-conforming use and structure, that it is an appropriate use, and that is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein.
- F. The City Council, pursuant to its authority under M.G.L. c. 40A and the Zoning Ordinance of the City of Marlborough, hereby GRANTS the Applicant a Special Permit to build a single-family dwelling as shown on the Plans filed, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, his successors and/or assigns:
  1. Demolition and Construction in Accordance with Applicable Laws. Demolition and construction of all structures on the Site is to be in accordance with all applicable building codes and zoning regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Site Plan and



Architectural Drawings as may be subject to minor modifications with prior written approval of the Building Commissioner.

2. Work in Conformance with Special Permit. All work performed at the Site shall be done in compliance with this Special Permit decision.
3. Recording of Special Permit. In accordance with the provisions of M.G.L. c. 40A, Section 11, the Applicant at his expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing the Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the proposed expansion. Applicant shall provide a copy of the recorded Special Permit to the City Council's office, to the Building Department and to the City Solicitor's office.

Yea:              Nay:              Absent:

ADOPTED  
In City Council  
Order No. 19-1007512C  
President

---

Edward Clancy  
City Council

A TRUE COPY  
ATTEST:

## **ATTACHMENT A**



*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3776 Facsimile (508) 460-3736  
building\_dept@marlborough-ma.gov

**JEFFREY COOKE, C.B.O.**  
**BUILDING COMMISSIONER**

**PATRICK DAHLGREN**  
ASSISTANT BUILDING  
COMMISSIONER

**WILLIAM PAYNTON**  
LOCAL BUILDING INSPECTOR

**RICHARD DESIMONE**  
PLUMBING & GAS INSPECTOR

**JOHN CAIN**  
WIRING INSPECTOR

**ZONING DENIAL**

November 20, 2018

Marc Buchan  
180 Cullinane Drive  
Marlborough, MA 01752

Mr. Buchan:

Your application to demolish the existing single story Single Family Dwelling and construct a new 2 story Single Family Dwelling at 180 Cullinane Drive, Marlborough, MA Parcel ID # 6-115, located in the Residence A-3 zoning district (A-3) is denied as it does not comply with Chapter 650- 41 of City Code of Marlborough. The "Table of Lot Area, Yards, and Height of Structures" states that your use requires side yard setback of 15 feet, you have proposed a side yard setback of five feet (5'). Current zoning requires 12,500 SF of area, your lot has 4950 SF +/- . As a pre-existing, non-conforming lot and structure, the construction of a new two story SFD that intensifies a non-conforming requires a "Special Permit" (SP) issued by the Marlborough City Council.

I have determined that the proposed reconstruction of the additional second floor within the setback area intensifies the preexisting non-conformity.

Your use requested requires a Zoning relief issued by the Marlborough City Council.

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-12B or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

An appeal from this denial for a SP may be taken to the Marlborough City Council by filling a Notice of Appeal with the City Clerk within 30 days of the date of this denial letter. Further information should be obtained from the Marlborough City Council.

The code in its entirety may be found at [www.ecode360.com/MA1056](http://www.ecode360.com/MA1056)

In your appeal, you may request a Special Permit (SP).

Sincerely,

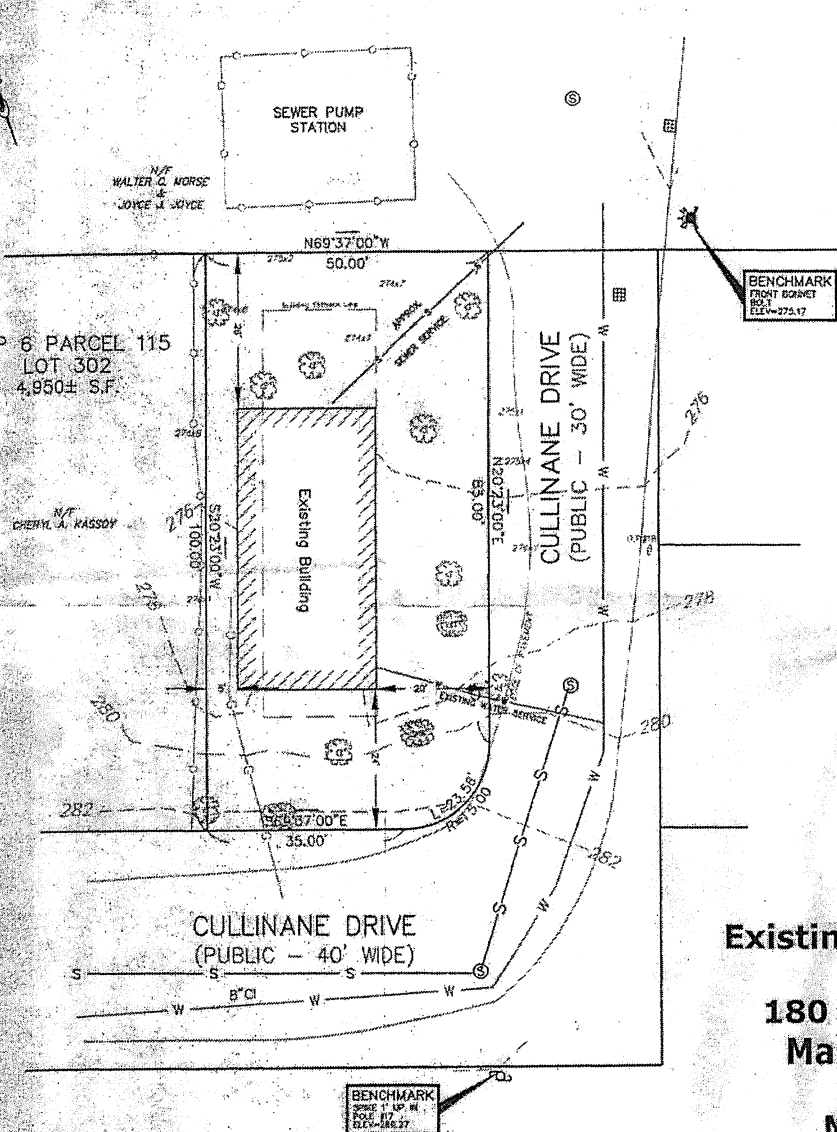
Jeffrey Cooke, C.B.O.  
Building Commissioner  
Zoning Enforcement Officer

## **ATTACHMENT B**

**ZONING DATA**  
 ZONE: RESIDENCE A-3  
 MINIMUM REQUIREMENTS  
 AREA: 12,000 S.F.  
 FRONTAGE: 100'  
 FRONT YARD: 20'  
 SIDE YARD: 10'  
 REAR YARD: 30'

ALL UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED ON FIELD EVIDENCE AND RECORDS PROVIDED TO LAND PLANNING, INC. BY THE OWNER. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT FOUND. WE ASSUME NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. CONTACT DIG SAFE AT 1-888-344-7233 PRIOR TO EXCAVATION AT THIS SITE.

MAP 6 PARCEL 115  
 LOT 302  
 4,950± S.F.



- Legend**
- Catch Basin
  - Drain Marking
  - Sewer Marking
  - Contour Proposed
  - Contour Existing
  - Spot Grade Existing
  - Utility Pole
  - Water Control Valve
  - Hydrant
  - Round Pole
  - Drilled Hole Found
  - Iron Pin Found
  - Proposed Bound
  - Soil Test Pit



**Existing Conditions Plan**  
 Located at  
**180 Cullinane Drive**  
**Marlborough, MA**  
 Prepared for  
**Marc Buchan**  
 65 Country Lane  
 Marlborough, MA 01752

REVISIONS			
No.	Date	Drawn	Checked
1			
2			
3			
4			
5			
6			

Field By: KPBH 3/17  
 Designed By: WCH 4/18  
 Drawn By: WCH 4/18  
 Checked By: NGH 4/18



**Land Planning, Inc.**  
 Civil Engineers • Land Surveyors  
 Environmental Consultants

Bellingham  
 107 Hartford Ave.  
 Bellingham, MA 02018  
 508-868-4130

North Grafton  
 214 Worcester St.  
 N. Grafton, MA 01536  
 508-458-9299

Hanson  
 1115 Main Street  
 Hanson, MA 02541  
 781-294-4144

landplanninginc.com

Date: April 30, 2018  
 Job No: B2355  
 Sheet No: 1

## **ATTACHMENT C**





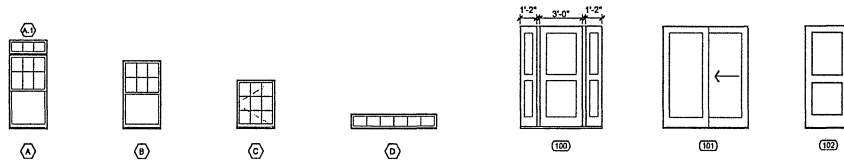
## **ATTACHMENT D**

# WINDOW SCHEDULE

SYMBOL	R.O.W	R.O.H	MAT'L EXT.	MAT'L INT.	FINISH	GLAZING	U	SHGC	HARDW.	TOTAL	REMARKS
A	2'-8"	5'-0"	VINYL CLAD	WOOD	PAINT	7/8" LdE	.30	-	WHITE	-	DOUBLE HUNG
A.1	2'-8"	1'-0"	VINYL CLAD	WOOD	PAINT	7/8" LdE	.30	-	-	-	TRANSOM
B	2'-8"	4'-6"	VINYL CLAD	WOOD	PAINT	7/8" LdE	.30	-	WHITE	-	DOUBLE HUNG EGRESS PER CODE
C	3'-0"	3'-6"	VINYL CLAD	WOOD	PAINT	7/8" LdE	.30	-	-	-	FIXED UNIT
D	4'-11"	1'-6"	VINYL CLAD	WOOD	PAINT	7/8" LdE	.30	-	-	-	TRANSOM

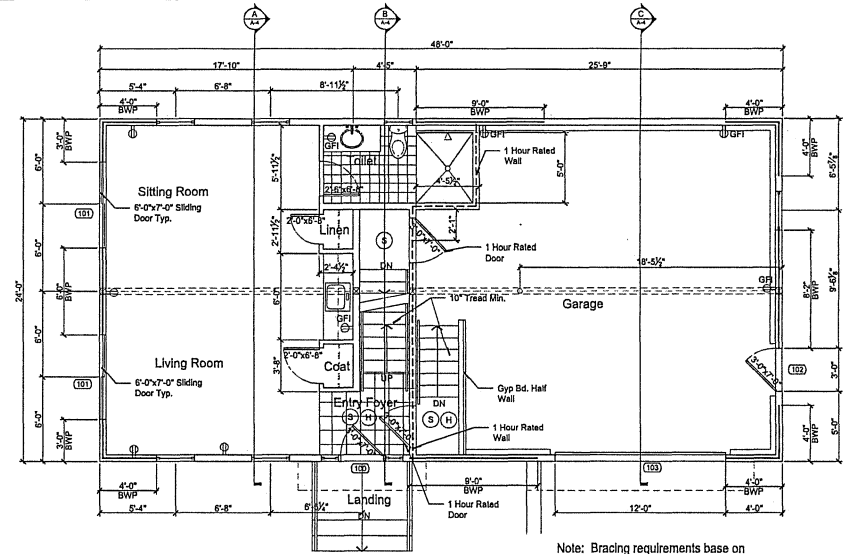
# EXTERIOR DOOR SCHEDULE

SYMBOL	W	H	MAT'L EXT.	MAT'L INT.	FINISH	GLAZING	U	SHGC	HARDW.	TOTAL	REMARKS
100	3'-0"	7'-0"	FIBERGLASS	FIBERGLASS	PAINT	7/8" LdE	.30	-	TBD	-	ENTRY DOOR/SIDE LITES
101	6'-0"	7'-0"	VINYL CLAD	WOOD	PAINT	7/8" LdE	.30	-	-	-	SLIDING PATIO DOORS
102	3'-0"	7'-0"	STL. INSUL.	STEEL	PAINT	7/8" LdE	.30	-	TBD	-	AT GARAGE
103	12'-0"	8'-0"	STL. INSUL.	STEEL	PAINT	-	-	-	-	-	GARAGE DOOR



# Window Notes:

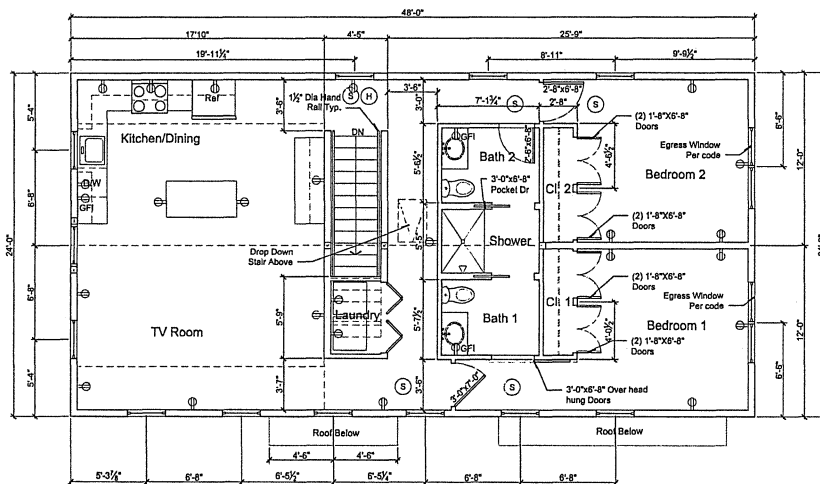
- Provide Andersen 200 Series Vinyl Clad Exterior and primed wood interior windows (or equal approved by Architect) with rough openings as indicated on plans, elevations, etc.
- Verify dimensions of required rough openings and coordinate framing requirements.
- Exterior Cladding Color White.
- Interior Finish: Primed Pine with finish paint color as selected by Owner.
- Glass: Clear, Low "E" Insulated glass, argon filled; provide safety glass as required by code.
- Muntins: Removable Pine Wood Interior Glides Traditional.
- Screens: InView Fiberglass Insect Screen; White frame and hardware color.
- Sash liners: White Vinyl.
- Provide extension jacks.
- See building elevations and details for elevations and alignments.
- Hardware Finish: Standard color as selected by Owner.



1 First Floor Plan

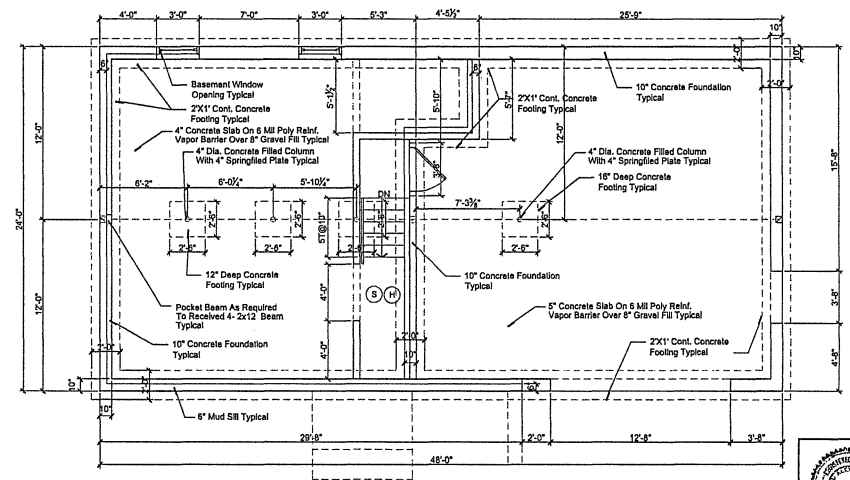
Scale: 1/4" = 1'-0"

Note: Bracing requirements base on wind speed of equal to less than 100 mph  
1. One story location  
2. Braced wall line spacing 40'  
3. Methods WSP: 9' min. total length per foot of braced wall panels along brace wall line



1 Second Floor Plan

Scale: 1/4" = 1'-0"



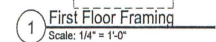
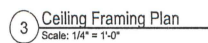
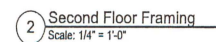
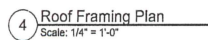
1 Foundation Floor Plan

Scale: 1/4" = 1'-0"



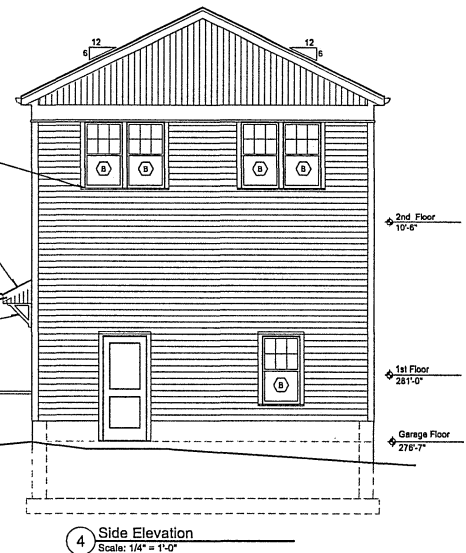
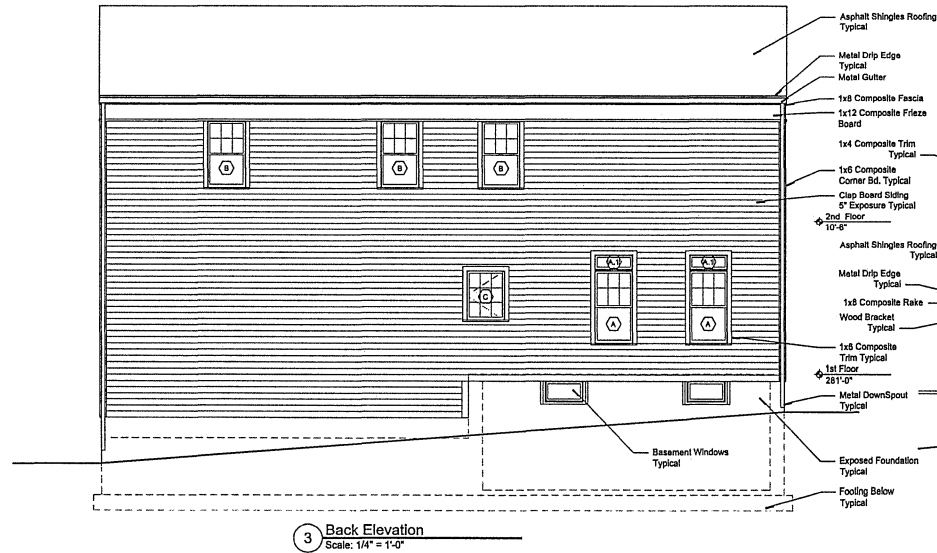
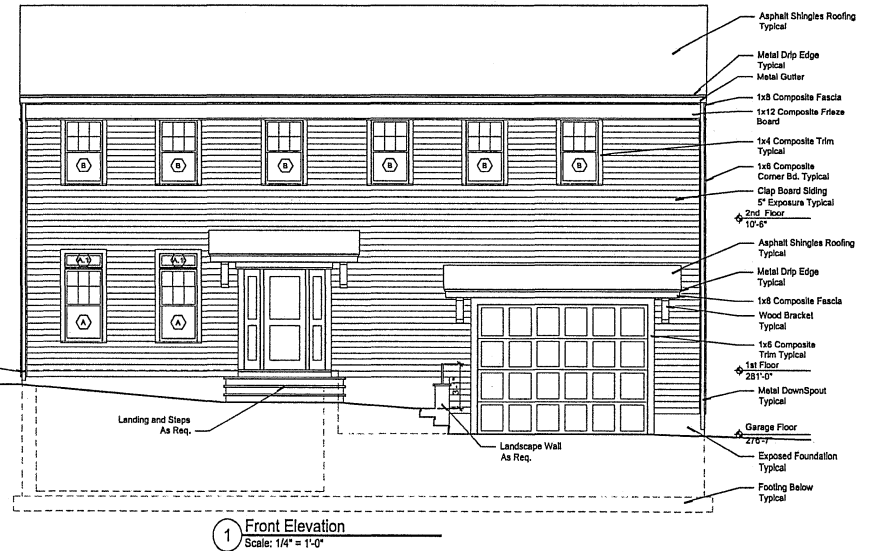
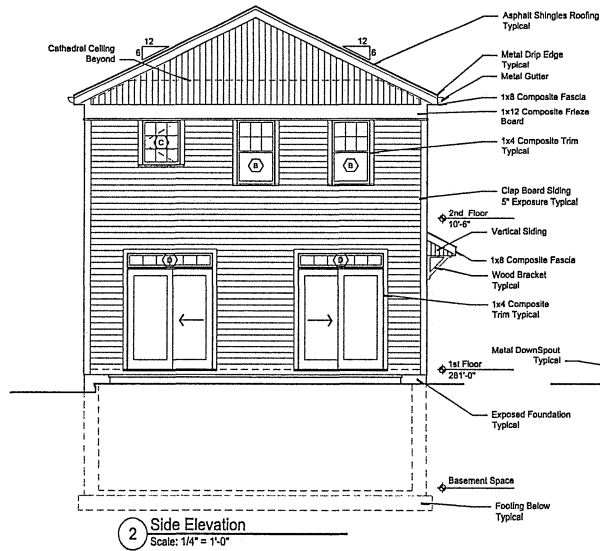
BUILDING PERMIT

Private Residence 180 Cullinane Drive Marlborough, MA		Date: 8/31/2017	Drawing No:
		Revised: -	A-1
Proposed Floor Plans	167 Annie Moore Road C: 508-410-6207 E: vuarchitecture@gmail.com	Scale: As Noted	Copyright Vu Architecture © 2017 All rights reserved
		Drawn: VA	



BUILDING PERMIT

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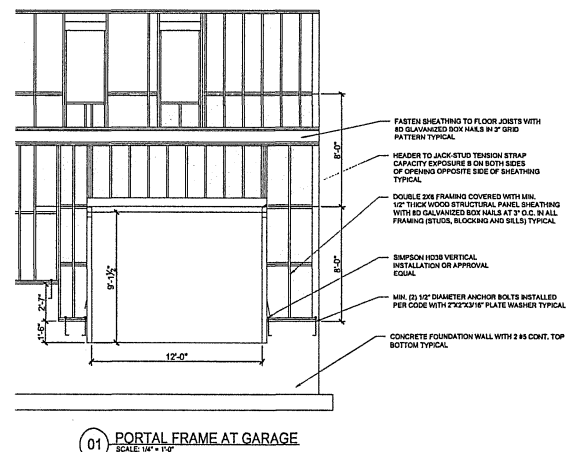
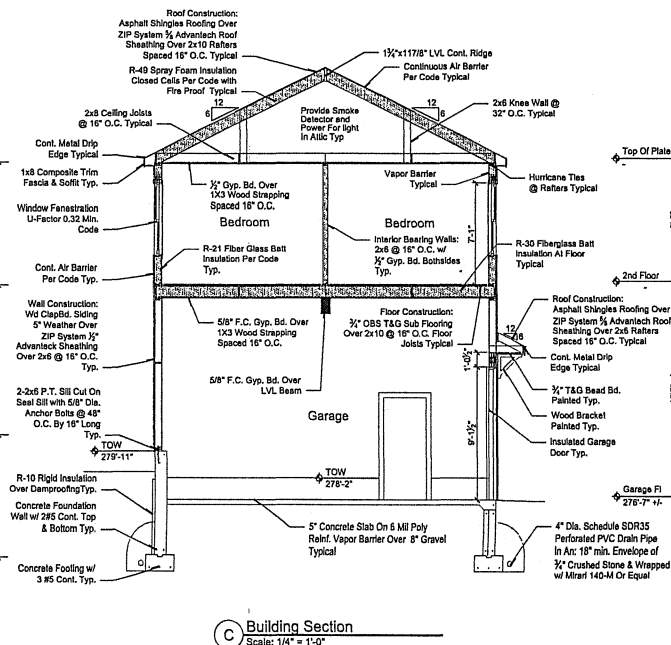
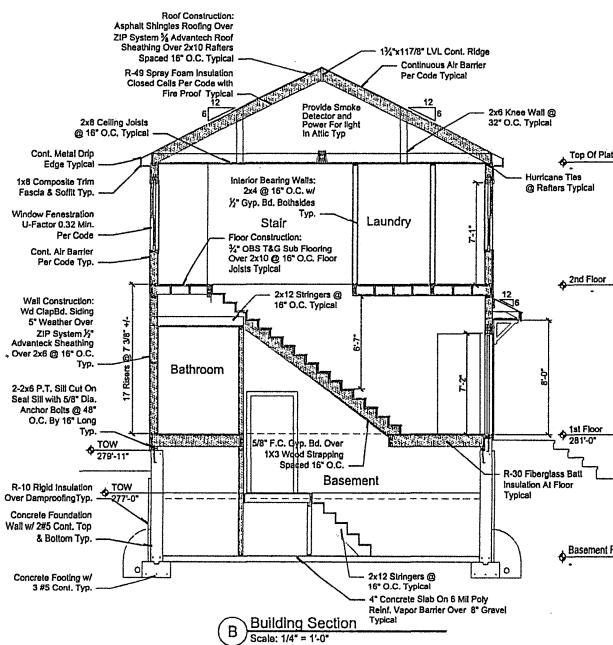
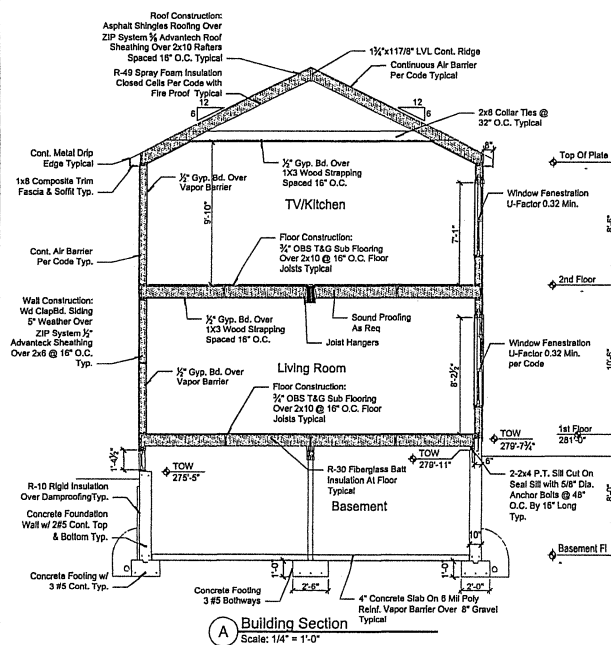
Private Residence  
180 Cullinane Drive Marlborough, MA



Proposed Elevations

167 Annie Moore Road Bolton, MA 01740  
C: 508-410-6207 E: vuarchitecture@gmail.com

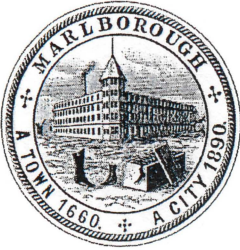
Date: 8/31/2017	Drawing No: A-3
Revised: -	
Drawn: VA	
Scale: As Noted	
Copyright Vu Architecture © 2017 All rights reserved	



BUILDING PERMIT

Private Residence 180 Cullinane Drive Marlborough, MA		Date: 8/31/2017 Revised: - Drawn: V/A Scale: As Noted Copyright V/A Architecture © 2017 All rights reserved	Drawing No: <div style="font-size: 2em; font-weight: bold; text-align: center;">A-4</div>
<div style="display: flex; justify-content: space-between;"> <span>Building Sections</span> <span>167 Annie Moore Road Bolton, MA 01740 C: 508-410-6207 E: vuararchitecture@gmail.com</span> </div>			





*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR -4 A 11:57

DONALD V. RIDER, JR.  
CITY SOLICITOR

ELLEN M. STAVROPOULOS  
PARALEGAL

April 4, 2019

Edward Clancy  
President  
Marlborough City Council

RE: Order No. 18/19-1007452D, X18-1007198G  
Proposed Zoning Amendment –  
Retirement Community Overlay Districts

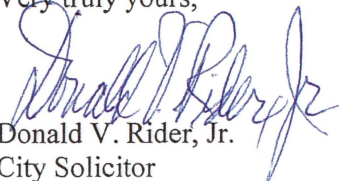
Dear President Clancy and Members:

My office has been asked to place into proper legal form a zoning amendment being proposed on behalf of First Colony Crowley Drive One, LLC, the owner of the property located at 90 Crowley Drive in Marlborough. In its essence, the proposed amendment would amend § 650-22 of the Marlborough zoning ordinance, entitled "Retirement Community Overlay Districts," so as to add a new type or category of retirement communities for multifamily housing. This new category would augment the currently existing category of retirement communities for detached and townhome housing. Both categories of retirement communities would be allowable by special permit only.

Please note that in the course of placing the proposed amendment into proper legal form, it was discovered that there are 2 mentions of an "ancillary residential community" still remaining in § 650-22. As you know, the Council had voted in 2011 to eliminate from § 650-22 such ancillary residential communities, but these 2 mentions were inadvertently omitted from that 2011 vote. For your convenience, I have boldfaced and enlarged both mentions of ancillary residential communities in the enclosed zoning amendment – on pages 2 and 3. I would respectfully ask that you vote on a motion (which I will draft) to strike out those mentions, prior to your taking a vote on the zoning amendment itself (as would be amended by the motion to strike).

In anticipation that the motion to strike will be approved, I certify that the proposed amendment, enclosed herewith, is in proper legal form.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: William M. Pezzoni, Esquire  
Brian W. Blaesser, Esquire



**ORDERED:**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING AND ADDING THERETO AS FOLLOWS:

I. Section 650-5, entitled “Definitions; word usage,” is hereby amended by striking out in its entirety the definition of “retirement community” and inserting in place thereof the following new definitions:

RETIREMENT COMMUNITY - DETACHED AND TOWNHOMES – A community consisting of detached or attached (only along side walls in so-called “townhouse” style) structures, constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

RETIREMENT COMMUNITY - MULTIFAMILY – A community consisting of a single multiple unit structure constructed expressly for use as housing for persons aged 55 or over, on one parcel or on contiguous parcels of land, subject to the provisions of MGL c. 151B, § 4, as amended.

II. Section 650-22, entitled “Retirement Community Overlay Districts,” is hereby amended as follows:

a. By striking out in its entirety subsection A thereof, entitled “Purpose,” and inserting in place thereof a new subsection A, entitled “Purpose,” as follows:

Purpose. The purpose of the Retirement Community Overlay District shall be to advance the public health, safety and welfare by providing for the development of retirement communities that provide housing choices for persons aged 55 or over on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods and/or residential amenities and supportive services, will provide an appropriate environment for a retirement community

b. By amending subsection C thereof, entitled “Permitted uses,” as follows:

i. by striking out in the introduction thereto the words “retirement community” and inserting in place thereof the following words:

Retirement Community - Detached and Townhomes, or a  
Retirement Community - Multifamily

- ii. by striking out the numbered provisions in subsection C which follow the introduction thereto and inserting in place thereof a new sub-subsection (i), entitled "Retirement Community - Detached and Townhomes (RCO-D/T)," as follows:

(i) Retirement Community - Detached and Townhomes (RCO-D/T).

(1) No building in an RCO-D/T community shall be more than 2 1/2 stories in height.

(2) Each building in an RCO-D/T community shall face either upon an existing street or upon a public or private way constructed within said RCO-D/T community and shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the structure and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 10 feet distant from any other building by airline distance between the nearest points of the buildings.

(3) No dwelling in an RCO-D/T community shall contain less than 1,000 square feet of living area or more than 2,400 square feet of living area.

(4) All dwelling units in an RCO-D/T community shall be detached from the others or attached only alongside walls in the so-called "townhouse" style.

(5) The lot or lots on which an RCO-D/T community **and any approved ancillary residential community are** located shall contain, on a consolidated basis, at least 7,000 square feet per housing unit.

(6) No part of any principal building in an RCO-D/T community shall be less than 25 feet from any exterior lot line or less than 50 feet from the side of any public way.

(7) Each dwelling unit in an RCO-D/T community shall have its own attached yard area.

(8) Required off-street parking for each dwelling unit in an RCO-D/T community shall be adjacent thereto. Each unit shall be required to provide at least one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its special permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may, as a condition of the special permit, require the adoption of legally enforceable condominium bylaws or other similar regulations to limit or prohibit the presence in an RCO-D/T community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.

(9) Maximum combined lot coverage in an RCO-D/T community **and in any permitted ancillary residential community** shall not exceed 40% of the total lot size.

(10) Each lot or contiguous lots upon which an RCO-D/T community is located shall have total frontage on an existing public way of at least 250 feet. Each lot or combination of lots shall have a total size of not less than 10 acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial.

(11) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-D/T community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in an RCO-D/T community and limiting or prohibiting the presence in a RCO-D/T community of boats, boat trailers, or recreational vehicles, be made a part of the special permit

and that any change to or failure to enforce said provisions shall be a violation of said special permit.

(12) The City Council may, as a permit condition, require that a proposed RCO-D/T community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

(13) No unit in an RCO-D/T community shall have more than three bedrooms.

(14) If an RCO/DT community is proposed which contains at least 30 acres of land, the following provisions shall supersede those found elsewhere in § 650-22:

(a) The lot or lots on which an RCO/DT community is located shall contain at least 5,000 square feet per unit in the RCO/DT community;

(b) Maximum lot coverage in the RCO/DT community shall not exceed 50% of the total lot size, excluding from the lot size any land which, prior to development of the site as a RCO/DT community, would be defined as a "resource area," as that term is defined in M.G.L. c. 131, § 40.

(c) Each lot or contiguous set of lots upon which a RCO/DT community is located shall have total frontage on an existing public way, or on a private way laid out by the City Council pursuant to M.G.L. c. 82, § 21, of at least 250 feet; provided, however, that said frontage need not be continuous.

- iii. by inserting after new sub-subsection (i), entitled “Retirement Community – Detached and Townhomes (RCO-D/T),” a new sub-subsection (ii), entitled “Retirement Community - Multifamily (RCO-MF),” as follows:

(ii) Retirement Community - Multifamily (RCO-MF).

(1) The total area of the tract of contiguous parcels to be developed as an RCO-MF shall not be less than ten (10) acres. The underlying zoning district for all said land shall be either Industrial or Limited Industrial and be located within the area that lies within the perimeter of the following roadways: commencing at the Fitchburg Street intersection at the Rte. 85/290 Connector Road; then west along the Rte. 85/290 Connector Road to the intersection of Rte. 495; then south along Rte. 495 to where it passes over the intersection with Berlin Road; then southeasterly along Berlin Road to the intersection with West Hill Road; then easterly along West Hill Road to the intersection with Pleasant Street; then north along Pleasant Street to the intersection with Fitchburg Street; then north along Fitchburg Street to the intersection with the Rte. 85/290 Connector Road. All of said land being in reasonable proximity to the UMass Memorial Marlborough Hospital and the interstate highway intersection of Rte. 495 and Rte. 290.

(2) An RCO-MF may contain one (1)- and two (2)-bedroom units and studio units for independent living persons, and may include services and amenities for its residents, including but not limited to, dining facilities, in-unit kitchens, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barber shop, personal banking services, offices and accessory uses or structures, concierge and valet services, third-party vendor services, and recreation facilities.

(3) No building in an RCO-MF shall be more than 3 stories in height.

(4) The total number of dwelling units in an RCO-MF shall be limited to 12 units per acre.

(5) No part of any principal building in an RCO-MF shall be less than 50 feet from any exterior lot line or less than 100 feet from any public way.

(6) Maximum combined lot coverage in an RCO-MF, including any permitted accessory structures, shall not exceed 40% of the tract or contiguous parcels.

(7) The tract or contiguous parcels upon which an RCO-MF is located shall have a minimum total frontage on an existing public or private way of at least 200 feet.

(8) The City Council may, as a permit condition, require that all proposed condominium bylaws or similar binding RCO-MF regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in a retirement community and limiting or prohibiting the presence in a retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit and that any change to or failure to enforce said provisions shall be a violation of said special permit.

(9) The City Council may, as a permit condition, require that a proposed RCO-MF be constructed entirely on one tract and that, from and after the date of the issuance of the building permit for said community no subdivision of said tract shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

(10) A minimum of 1.0 parking space per dwelling unit shall be provided in an RCO-MF. Attached and detached garages shall count toward this parking requirement.

(11) No dwelling unit in an RCO-MF shall contain less than 500 square feet of living area or more than 1300 square feet of living area.

(12) No building in an RCO-MF need be located or placed further from the exterior line of any street or public way than the average distance from such street or way line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of 50 feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than 50 feet shall be deemed an adjacent lot. The point of measurement of the average distance shall be from the closest point of the principal building to the street or public way regardless of parcel ownership.

(13) In an RCO-MF, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and floodplain areas.

ADOPTED  
In City Council  
Order No. 18/19-1007452E, X18-1007198G  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:  
A TRUE COPY  
ATTEST:





# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

Barbara L. Fenby, Chair  
Philip Hodge  
Sean N. Fay  
George LaVenture  
Christopher Russ  
Matthew Elder

Krista Holmi, Administrator  
(508) 624-6910 x33200  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

April 2, 2019

Mr. Edward Clancy  
City Council President  
140 Main St.  
Marlborough, MA 01752

RE: Order No. 19-1007533, Proposed Zoning Amendment-Chapter 650-36 to create the Executive Residential Overlay District. (Simarano Drive and Cedar Hill Road Area).

Honorable President Clancy and Members:

At its regularly scheduled meeting on March 25, 2019, the Planning Board took the following action:

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to provide a favorable recommendation to the City Council on the above referenced Council order. Motion carried.

In its decision, the Board made the following comments:

- The developer established that the proposed overlay district would result in a development meeting a demonstrated need for a diversified housing stock in the City of Marlborough;
- The developer established that the proposed overlay district would benefit the City by providing a housing option with a positive fiscal impact to the City of Marlborough;
- The developer established to the Board's satisfaction that the proposed overlay district fits into the neighborhood, and in the Board's opinion, approval of the overlay district for this area would not unduly burden abutters.

The Board expressed its opposition to the applicant's expressed plan to build a phased development.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby  
Chairperson

cc: City Clerk ✓  
Mirick O'Connell

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR -3 P 3:50



# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

Barbara L. Fenby, Chair  
Philip Hodge  
Sean N. Fay  
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Krista Holmi, Administrator  
(508) 624-6910 x33200  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

April 2, 2019

Mr. Edward Clancy  
City Council President  
140 Main St.  
Marlborough, MA 01752

RE: Council Order No. 19-1007552 Proposed Zoning Amendment,  
Section 650-8, Land Off Valley Street

Honorable President Clancy and Members:

At its regularly scheduled meeting on March 25, 2019, the Planning Board took the following action regarding the above-referenced Council order:

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to send a favorable recommendation to the City Council on the proposed zoning amendment. Motion carried.

In its recommendation, the Board concluded that the zoning change fits into the character of the neighborhood, the zoning change imposes minimal impact on the neighborhood abutters, and the zoning change benefits the area by cleaning up a remaining zoning anomaly over the abandoned railway bed.

Should you need further information, don't hesitate to contact me.

Sincerely,

Barbara L. Fenby  
Chairperson

cc: City Clerk ✓  
Drohan, Tocchio & Morgan

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CITY OF MARLBOROUGH  
2019 APR - 3 P 3:50





# City of Marlborough Planning Board

Administrative Offices  
135 Neil St.  
Marlborough, MA 01752

## PLANNING BOARD

Barbara L. Fenby, Chair  
Philip Hodge  
Sean N. Fay  
George LaVenture  
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Matthew Elder

Krista Holmi, Administrator  
(508) 624-6910 x33200  
[kholmi@marlborough-ma.gov](mailto:kholmi@marlborough-ma.gov)

March 21, 2019

Mr. Edward Clancy  
City Council President  
140 Main St.  
Marlborough, MA 01752

RE: Decision – Colbea Enterprises, LLC - Request for Sign Variance, 342 Boston Post Road East

Honorable President Clancy and Members:

At its regular meeting of the Planning Board on March 11, 2019, the Board took the following action regarding the application for sign appeal/variance of Colbea Enterprises, LLC at 342 Boston Post Rd. East:

- **Freestanding Sign: Section 526-13 of the City Code (specific to digital display signs) requires “From sunrise to sunset, the background or field shall be a single color and the message shall be a single contrasting color.” Applicant proposes two separate colors for regular and diesel fuel.**

On a motion by Mr. Hodge, seconded by Mr. Russ, the Board voted to grant the variance allowing the display of red to represent regular gas pricing and green to represent diesel pricing. The variance is allowed on the requested free-standing sign and at individual pumps.

Motion carried. Mr. LaVenture opposed.

The applicant conveyed to the Board’s satisfaction that the use of two colors identifying gas types on the free-standing sign and pumps maintains industry conventions and provides pricing clarity without substantially derogating from the intent and purpose of the chapter.

- **Electronic Message Center Signs (EMC); Digital Display Signs: Chapter 526.13 states: “EMC signs shall only be permitted as part of a freestanding sign and shall comply with all the requirements of Section 526-9. There shall only be one EMC sign permitted on each nonresidential-zoned parcel.” Applicant proposes LED pricing signs and video display signs at each pump.**

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to grant the variance to allow both digital displays and pricing displays (one of each only) on each side of the five pumps, conditioned on the following restrictions:

- Audio shall be prohibited from the digital display signs or pricing display units.
- Digital Display Signs shall be utilized for informational and point of sale transactions only.
- Video and advertising shall be prohibited from the digital display signs and pricing display units.

Motion carried. Mr. LaVenture opposed.

The applicant conveyed to the Board’s satisfaction that the installation of small pump displays for pricing and the installation of small video displays (with restricted use as detailed above) on each pump did not substantially derogate from the intent and purpose of the chapter.

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CITY OF MARLBOROUGH  
2019 APR - 3 PM 3:50

- **Flat wall signs:** Based on the linear footage of the proposed building, you are allowed a total of 100 square feet of flat wall signage. Applicant proposes 150.1 square feet.

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to deny the requested variance for the **Flat Wall Sign**. Motion carried.

The applicant failed to convince the Board that granting of the variance would not substantially derogate from the intent and purpose of the chapter.

The Planning Board will advise the applicant that a permit under Section 526-13 will be required from the City Council for the digital display signs.

As display, advertising, and point of sale devices continue to rapidly evolve, businesses will seek every opportunity to adopt emerging technology to gain a competitive advantage. Corporations and businesses implementing new technology under existing ordinances will create a growing number of variance requests. This could result in non-uniform applications across the City rather than evaluating applications to the intended standards.

We encourage the City Council to identify and then codify the level and nature of such technology that is both appropriate for use in the City and which meets the standard under the ordinance.

Sincerely,

A handwritten signature in blue ink that reads "Barbara L. Fenby" followed by a stylized monogram or initials.

Barbara L. Fenby  
Chairperson

cc: Pam Wilderman, Code Enforcement Officer  
Jeffrey Cooke, Building Commissioner



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CITY OF MARLBOROUGH  
City of Marlborough, Massachusetts  
CITY CLERK DEPARTMENT

2019 MAR 26 P 5:50

**Lisa M. Thomas**  
**City Clerk**

MARLBOROUGH, MA

DATE: March 14, 2019

**To the City Council:**

Owner Name: TVI, Inc. dba Savers

Residential Address: 11400 SE 6th Street, Suite 220, Bellevue, WA 98004


Telephone Number: 425-462-1515

Business Name: Savers

Business Address: 222A East Main Street, Marlborough

Business Telephone Number: 508-485-5191

Email Address: jkennedy@savers.com

Owner Signature: 

The above-signed Michael Ensing for TVI, Inc. respectfully requests that he/she be

granted a **Junk Dealer/Second Hand Dealer License**.  
with the waivers and modifications set forth in Exhibit A attached hereto

**In City Council**

Marlborough City Clerk's Office ■ 140 Main St. ■ Marlborough, Massachusetts 01752  
Telephone (508) 460-3775 ■ Fax (508) 460-3723

## **Exhibit A**

### **Conditions**

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trail from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M. to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers' commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

### **Waivers**

1. The waiver of Section 377-4 of the Ordinance as requested by Savers' is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers'. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of names and residence of each dealer, are not applicable to Savers'.
3. The provisions of Section 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.



PETITION FOR POLE LOCATIONS

March 22, 2019

*Town Clerk Copy*  
**RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 27 A 11:51**

To the City Clerk Office  
To the City of Marlborough Massachusetts

**MASSACHUSETTS ELECTRIC COMPANY** requests permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways;

**Bolton Street**

**National Grid request to install new pole 47-84 to use as a stub pole for poles 47 and 47-5 Bolton Street.**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain pole and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

**MASSACHUSETTS ELECTRIC COMPANY**

Plan No. **28050303** Dated **3/19/2019**

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

**MASSACHUSETTS ELECTRIC COMPANY**

By: *Rob Leonida* *RLS*  
Manager of Distribution Design



# ORDER FOR POLE LOCATIONS

March 22, 2019

By the City Clerk Office  
Of the City Marlborough Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED:  
that **MASSACHUSETTS ELECTRIC COMPANY** be and they are hereby granted locations for and permission  
to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as  
said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of  
said Company dated the  
**22nd day of March, 2019**

All construction under this order shall be in accordance with the following conditions:--

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon  
the plan marked--

## **MASSACHUSETTS ELECTRIC COMPANY**

Plan No. **28050303** Dated **3/19/2019** filed with this order

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires, and all  
of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and  
the number of poles which may be erected thereon under this order:--

### **Bolton Street**

**National Grid request to install new pole 47-84 to use as a stub pole for  
poles 47 and 47-5 Bolton Street.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting  
public ways for the purpose of making connections with such poles and buildings as each of said petitioner may  
desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the

\_\_\_\_\_, 2019

\_\_\_\_\_  
Clerk of Selectmen

Received and entered in the records of location orders  
Of the City Marlborough Massachusetts

Book: \_\_\_\_\_ Page: \_\_\_\_\_

Attest: \_\_\_\_\_  
Town Clerk

I hereby certify that on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.,  
at \_\_\_\_\_ a public hearing was held on the petition of

**MASSACHUSETTS ELECTRIC COMPANY**

for permission to erect the poles, wires and fixtures described in the order herewith recorded, and that  
I mailed at least seven days before said hearing a written notice of the time and place of said hearing to  
each of the owners of real estate (as determined by the last preceding assessment for taxation) along the  
ways or parts of ways upon which the Company is permitted to erect poles, wires and fixtures under  
said order.

And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Selectmen of the Town of \_\_\_\_\_

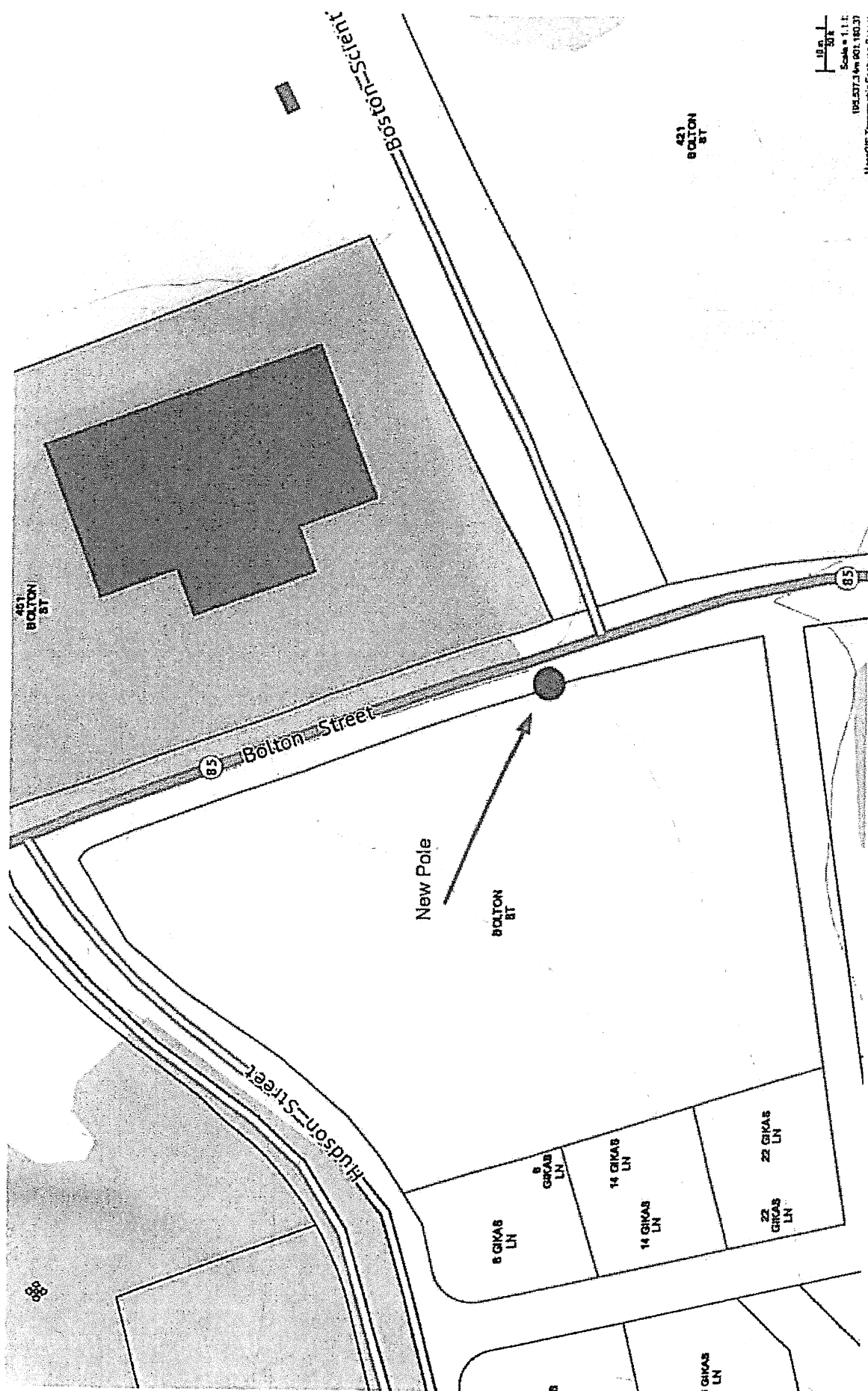
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**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice  
adopted by the \_\_\_\_\_ of the Town of \_\_\_\_\_,  
Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and recorded with the  
records of location orders of provisions of Chapter 166 of General Laws and any additions thereto or  
amendments thereof.

Attest: \_\_\_\_\_  
Town Clerk





10 m 50 ft  
Scale = 1:1.1  
104,577.3 km 601,180.37  
MassGIS Topographic Features Dataset

National Grid to  
install new pole  
47-84 to use as a  
stub pole for  
poles 47 and 47-5  
Bolton St

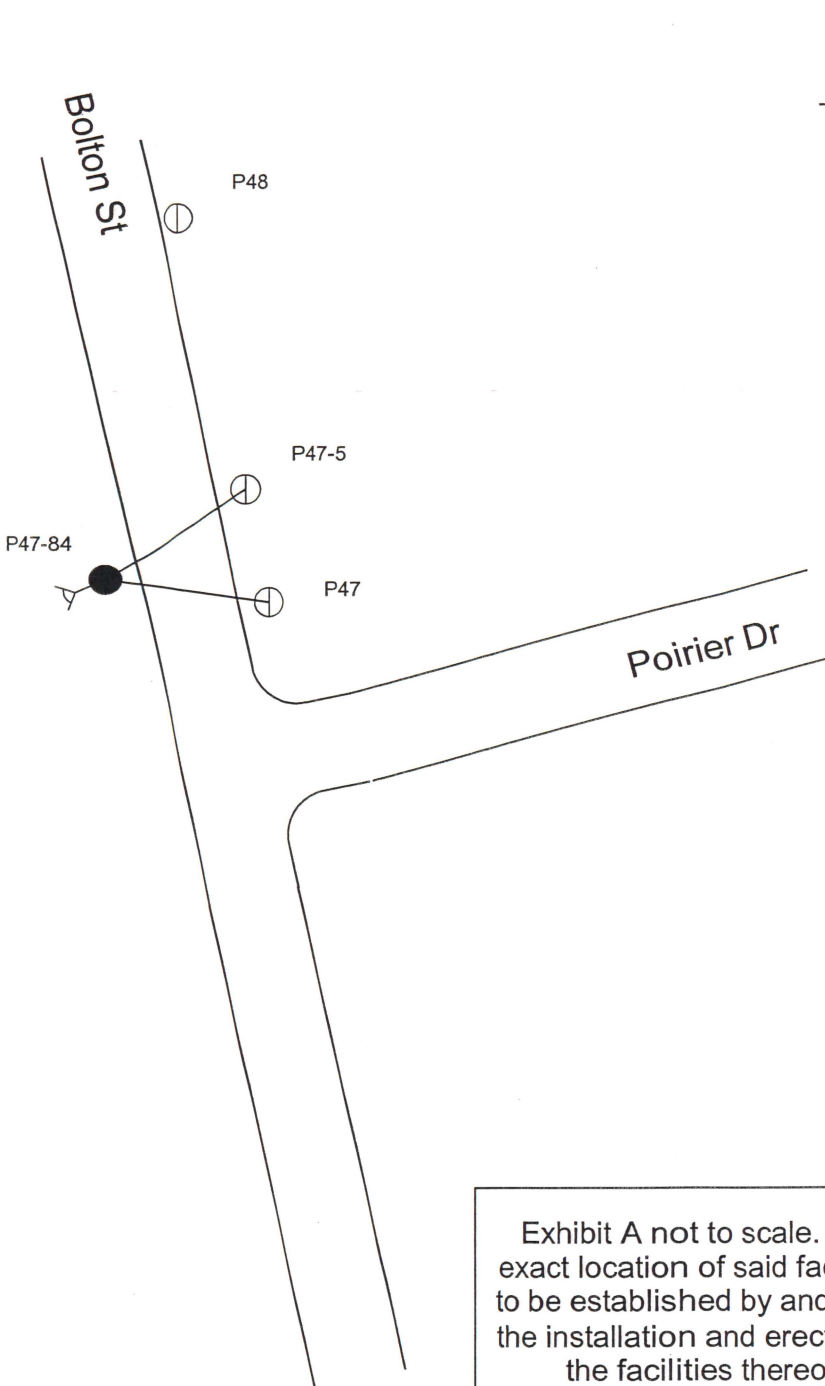


Exhibit A not to scale. The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.

POLE PETITION		nationalgrid	
● Proposed NGRID Pole Locations		Date:	3-19-19
○ Existing NGRID Pole Locations		Plan Number:	28050303
● Proposed J.O. Pole Locations		To Accompany Petition Dated:	
⓪ Existing J.O. Pole Locations		To The:	City Of Marlboro
⊕ Existing Telephone Co. Pole Locations		For Proposed:	SO Pole: 47-84 Location: TEXT
⊙ Existing NGRID Pole Location To Be Made J.O.		Date Of Original Grant:	
⊗ Existing Pole Locations To Be Removed			
DISTANCES ARE APPROXIMATE			



**School Committee**  
17 Washington Street, Marlborough, MA 01752  
(508) 460-3509

**Call to Order**

**March 12, 2019**

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington Street, Marlborough, MA. Members present included Mr. McLaughlin, Mrs. Matthews, Mrs. Bodin-Hettinger, Mrs. Ryan.

Superintendent Michael Bergeron, Assistant Superintendent of Teaching and Learning, Mary Murphy, Director of Finance and Operations Douglas Dias were also present.

In attendance were MEA Representative Rupal Patel, and Administrative Support Christine Martinelli.

This meeting was recorded by local cable WMCT-TV and is available for review.

2. **Pledge of Allegiance:** Chairman Vigeant led the Pledge of Allegiance.

3. **Presentation:**

- A. MHS Student Advisory Committee Update**

Alicia Bibi 11<sup>th</sup> – spoke to the School Committee about the recent Massachusetts Association to Student Councils, MASC, conference she and eight other MHS Student Council members attended in Hyannis. At this three-day leadership conference, they were joined by other high school Student Council members from across the state, to take part in different leadership workshops. This was an opportunity for all the students to work together, learning and bringing ideas back to their own student councils. The next student council event is Mr. MHS, March 22, 7:00pm at Whitcomb School auditorium.

Mrs. Bodin-Hettinger asked Miss Bibi about the different sessions attended throughout the three days conference.

[www.mps-edu.org](http://www.mps-edu.org)



# Marlborough Public Schools

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**School Committee**  
17 Washington Street, Marlborough, MA 01752  
(508) 460-3509

## **B. Introduction of Principal for the new, unnamed K-5 elementary school**

Before introducing her to the School Committee, Superintendent Bergeron gave a brief background on Ms. Amy Mulkerin, who was selected as the new principal for the yet to be named K-5 elementary school. Ms. Mulkerin then spoke briefly about the great opportunity becoming part of the MPS community and launching the new school. She is looking forward to working with and getting to know the students, staff and curriculum over the next year.

Chairman Vigeant welcomed Principal Mulkerin to MPS.

The Superintendent thanked everyone who participated in the hiring committee for this position.

## **4. Committee Discussion/Directives: None**

## **5. Communications: None**

## **6. Superintendents Report**

Superintendent Bergeron shared his Entry Plan with the School Committee and his plans to continue to meet with staff to talk about his finding from the Entry Plan. Tonight, Superintendent Bergeron talked with the committee about the eight highlights from his plan, asking them to think about them, reflect on it and ask any questions they might have in the future. The Superintendent's complete Entry Plan can be found on the MPS website in the School Committee meeting of March 12; Superintendent's report.

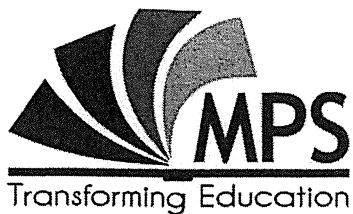
### **A. Assistant Superintendent of Teaching and Learning Report**

**Online Calibration Training Platform** – DESE announced the statewide release of a new Online Calibration Training Platform. The goal of this platform is to help groups of observers work together to refine a common understanding of high quality practice and feedback. This will allow them to better identify effective instruction and support educators in their continual growth.

[www.mps-edu.org](http://www.mps-edu.org)

*It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.*





# Marlborough Public Schools

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**School Committee**  
17 Washington Street, Marlborough, MA 01752  
(508) 460-3509

**Mini-Courses** – The focus of these offered courses will allow staff to recertify their licenses and meet the state requirements of 15 PDPs in EL and special education. The complete catalogue of Mini courses can be found on the MPS website in the School Committee meeting of March 12; Assistant Superintendent of Teaching and Learning report.

**7. Acceptance of Minutes:**

**A. Minutes of February 26, 2019 School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant, to approve as amended, the school Committee minutes of February 26, 2019.

Motion passed 5-0-0.

**8. Public Participation: None**

**9. Action Items/Reports:**

**A. FY 20 School Calendar DRAFT – tabled at the February 26, 2019 meeting**

Superintendent Bergeron provided the MEA Leadership approved FY20 updated calendar to the School Committee with the revisions discussed at the February 26, 2019 meeting.

A motion was made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the FY 20 calendar as presented.

Motion passed 5-0-0.

Mrs. Ryan had a clarifying question regarding the calendar half days, which only say *early release*, but does not mention why it is an early release day. She suggested the reason be added in the calendar, so parents know the reason for the half day.

**B. MHS Schedule Adjustment**

MHS Principal Dan Riley asked the committee to consider accepting the MCAS staggered opening time adjustments to accommodate the new MCAS computerized testing. Mrs. Bodin-Hettinger had a question to clarify the exact number of days needed to adjust the opening time.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the MHS Schedule Adjustments.

Motion passed 5-0-0.

[www.mps-edu.org](http://www.mps-edu.org)

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**School Committee**  
17 Washington Street, Marlborough, MA 01752  
(508) 460-3509

**C. 2019-2020 MHS Program of Studies Changes**

MHS Principal Dan Riley spoke to the committee of the importance of this document and how it represents the professional image of MHS. He briefly reviewed the changes and additions to some of the courses to be offered for the upcoming school year at MHS.

Mrs. Matthews thanked Mr. Riley for sending this document out with all the edits. She also had a question regarding the AP fee and the collection success of this fee.

A motion was made by Mrs. Matthews, seconded by Chairman Vigeant to approve the 2019-2020 MHS Program of Studies Changes.

Motion passed 5-0-0.

**D. Acceptance of Donations and Gifts**

**Donor's Choose, Maker Space Classroom** donation of \$272.98 in books and materials to Whitcomb School. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept with gratitude the donation from Donor's Choose.

Motion passed 5-0-0.

**Donor's Choose, Maker Space Classroom** donation of \$200.06 in materials to the Early Childhood, Pathway Program classroom. A motion was made by Mrs. Matthews, seconded by Chairman Vigeant, to accept with gratitude the donation from Donor's Choose.

Motion passed 5-0-0.

**10. Reports of School Committee Sub-Committees:**

**11. Members' Forum:**

Mrs. Matthews reviewed the warrant and will sign it.

Mrs. Bodin-Hettinger congratulated Chairman Vigeant on his new role as President of Massachusetts Municipal Association.

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# Marlborough Public Schools

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**School Committee**  
17 Washington Street, Marlborough, MA 01752  
(508) 460-3509

## 12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:09 pm.

Motion passed 5-0-0.

Respectfully submitted,

Heidi Matthews  
Secretary, Marlborough School Committee

HM/cm

APPROVED March 26, 2019

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CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: March 20, 2019

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR -3 P 2:20

1. CALL TO ORDER: 9:00 am
2. MEMBERS PRESENT: Anthony Arruda, Ellen Silverstein, David Manzello  
Also in Attendance: Jonathan Frank & Nathaniel Cramer, Regional Assessors, Paula Murphy, Head Clerk
3. DISCUSS AND VOTE: ATB Settlement for 2018 including 2019 Abatement Application: 201 Boston Post Rd West  
Motion to Grant: Mr. Manzello, second Ms. Silverstein  
Vote: 3-0
4. DISCUSS AND VOTE: Real Estate Abatement Applications: 100, 785 Boston Post Rd East, 38 Brigham St, 162 Cook Ln, 288 Diczenco Blvd, 40 East Dudley St, 251 Locke Dr, 89 Neil St, 15 Padula Dr, 0 Parmenter St (109-1), 290 West Hill Rd  
Motion to Grant: Mr. Manzello, second Ms. Silverstein  
Vote 3-0
5. Discussion on Abatement Application for 373-383 Lincoln St tabled for further research.
6. DISCUSS AND VOTE: Real Estate Abatement Applications: 0 Boston Post Rd East (61-25A), 181, 295, 447, 484, 681, 735, 757-773, 795 Boston Post Rd East, 49 Danjou Dr, 0 Farm Rd (73-44), 37 East Main St, 72 Hosmer St  
Motion to Deny: Mr. Manzello, second Ms. Silverstein  
Vote: 3-0
7. Mr. Arruda left the meeting at 10:40
8. DISCUSS AND VOTE: Business Personal Property Abatement Applications: AFC Urgent Care, Lockheed Martin Aspen Systems, Marlboro Hospitality LLC, Marlborough Inn LLC, Mountain Sports LLC, Spire Metering Technology  
Motion to Grant: Mr. Manzello, second Ms. Silverstein  
Vote 2-0
9. MOTION TO ACCEPT: Minutes of the February 5, 2019 meeting  
Mr. Manzello, second Ms. Silverstein  
Vote: 2-0
10. MOTION TO CONCLUDE – Mr. Manzello, second Ms. Silverstein  
MEETING Adjourned – 11:43

Anthony Arruda 4-3-19  
Ellen Silverstein

2019 MAR 25 P 3:51

CITY OF MARLBOROUGH  
CONSERVATION COMMISSION

Minutes

March 7, 2019 (Thursday)

Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall

7:00 PM

**Present:** Edward Clancy- Chairman, Allan White, William Dunbar, David Williams, John Skarin, Dennis Demers, and Karin Paquin. Also present was Priscilla Ryder - Conservation Officer.

**Absent:** none

**Acceptance of Minutes:** The minutes of the February 7, 2019 meeting were reviewed and unanimously approved.

**Public Hearings**

**Notice of Intent**

150 Cedar Hill St. - Ken's Foods, Inc.

Dale MacKinnon of Guerrier and Halnon, Inc. and John Woodward of Ken's Foods were present. Mr. MacKinnon explained that Ken's Foods proposes to construct two new MBRW tanks to expand on the existing waste water treatment and the expansion of the existing biogas blower concrete pad, within the wetland buffer zone and riverfront area at their treatment facility at 150 Cedar Hill St. The work is proposed in areas that are already disturbed and impervious. So, there is no change to the impervious areas on the site. Quite a few years ago, they had permitted 6 tanks but had only installed 4 of them. They are back now years later to install the last two tanks that are needed in this treatment facility. Ms. Ryder will check the old permit to determine if it needs to be issued a Certificate of Compliance. The digesters have been emitting methane gas which is now captured and used to heat the main building. Currently their system uses 60% methane and 40% natural gas. Some abutters, Mr. John Pitcavage and Yajun Li, who are members of the Cedar Hill Condo Association- a business building next door, asked some questions about the noise and odors that they have experienced from this facility and wondered if these additional tanks would make this condition worse. Mr. Woodward explained that the noise is from the blowers and should remain the same, the smell should not be an issue, they had issues last year but those have been resolved. Going forward with additional tanks, the system should run more smoothly. The Commission asked what their timeline was. Mr. Woodward indicated they would like to begin construction ASAP and have the system on line in May. There will be no disturbance to the wetland or buffer area associated with this work. The Commission had no further questions and the hearing was closed. Ms. Ryder will draft a set of conditions for the next meeting.

**Notice of Intent (amend Notice of Intent)**

85 Dufresne Dr. – DEP 212-1156- West Hill LLC

Mr. George Mihov and Mr. Dale MacKinnon both of Guerrier and Halnon were present representing Fafard Real Estate. Mr. Mihov explained the changes to the plans that are part of this request to amend the Order of Conditions (DEP 212-1156):

- Erosion controls have been added,
- Three cross sections from the wall to the foundation to show wall distance and design
- Construction sequencing is included
- Restoration plan and plant types are included
- Deck location is included- 10'x11' deck.

The Commission asked how the wall would be constructed. Mr. Mihov explained as described on the plan, that an excavator would be lowered into the basement, so work can be done from the uphill side and no disturbance to the wetland is to occur. The fence detail still needs to be shown, so the Commission knows the impact of its construction. The fieldstone wall is to be built by hand. The wall is to be built in sections and the straw wattles will need to be removed when the wall is installed. There was much discussion about the construction sequencing and methods. The area to be restored is covered with snow at the moment, so could not be located on the plans. This will need to be field located and numbers of plants defined after the snow melts, this needs to be captured in a condition. Also prior to any work on the site everything needs to be staked in the field, especially the measurement from the closest wetland point to the proposed wall. After some discussion about the removal of the large pine tree and restoration of the area, the hearing was closed. Ms. Ryder will draft a set of conditions for review at the next meeting.

**Notice of Intent (Continued)**

186 Reservoir St. - Fabriana Menezes

At the applicants request this item was continued to the March 21<sup>st</sup> meeting.

**Correspondence/Other Business:**

- 200 Concord Rd. – Marlboro Country Club – Ms. Ryder noted that the country club is asking to extend their permit for the irrigation work. However, a Determination of Applicability cannot be extended, therefore they will file a new Request for Determination to continue the irrigation work they started three years ago but couldn't finish last year due to the wet year.

**Discussion:**

- DEP 212-1198 150 Hayes Memorial Dr. – Parcel G Distribution Facility - Minor change

This project has started this past week. At the preconstruction meeting it was noted that they have made a change to the plan and detention basin location and will be making a request for a minor plan change soon, so the plans are current.

- Comcast propose underground conduit to #130 Lizotte Dr. – review plans  
Ms. Ryder shared an e-mail with the Commission regarding work Comcast wants to do on Lizotte Dr. After some discussion, the Commission determined that this conduit work should not be considered an exempt minor activity and requested Ms. Ryder to inform them they will need to file a Request for Determination for this work.
- Agenda packets – paper or electronic - The Commission discussed whether members wanted to receive the agenda packet electronically or in paper form. Ms. Paquin would like it electronically; the rest of the Commission would like it in paper form.
- Apex Snow - Ms. Ryder noted that she had inspected Apex to observe snow piles, she noted that they are following their protocol and snow storage location as has been presented. Ms. Ryder would like to formalize this snow policy. The Commission asked that this be put on the next agenda for final review.
- Open Space and Recreation Plan - Ms. Ryder noted that the survey results are in and she should have a summary for review at the next meeting. Mr. White wanted to note that there has been some activities and discussions on the property at the end of Roosevelt St. He wanted to be on record as noting that this is an important parcel for water supply protection and wildlife corridor protection and would like to see the city protect this parcel in the future.
- Hager St. Subdivision update - Ms. Ryder noted that this Open Space Development proposal is still before the Planning Board, but the conservation restriction issue is still not finalized. When it is closer to being final, they will submit this to the Commission for review and comment back to the Planning Board.
- Beaver Solutions - Ms. Ryder noted that Beaver Solutions has provide a report on their “beaver deceiver” maintenance for this year. She asked if the Commission wished to continue with this service, the Commission agreed to continue for another year.

**Next Meetings** - March 21, 2019 (Thursday)

**Adjournment-** There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer 



City of Marlborough Meeting Minutes

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 27 P 6:05

Meeting: Council on Aging Board of Directors Meeting

Date: February 11, 2019

Time: 8:30 AM

Location: Sr. Center Conference Room; 40 New Street; Marlborough, MA

Attendance: Leslie Biggar, Joseph Bisol, Jim Confrey, Richard Cygan, Marie Elwood, Pat Gallier, Judy Kane, Jeanne McGeough, Mike Ossing and Trish Pope

Excused: Richard Collins and Brenda Costa

1. Called to order at 8:30 AM
2. Approval of January 2019 meeting minutes
3. Director's Report by Trish Pope
  - a. Bus will be off road because of storm around 12:30 or 1:00
  - b. Center might not be open tonight and close at 4:00 because of storm
  - c. Canceled Valentine Sip N Savor also because of storm
  - d. Tree fell and smashed car windows, city had offered to take down trees in neighboring yards
  - e. Upstairs renovations are half way complete.
    - i. City did not except the original upstairs flooring from the beginning and did receive repair money
    - ii. When upstairs work is finished then work on greenhouse
  - f. Mayor's Senior Dinner is scheduled for May 15 2019
    - i. Advertising and press release come from the Mayor's office
    - ii. Leslie Biggar to pick up Resident List age 85 by March 1<sup>st</sup>
    - iii. Trish will email to all COA Board of Directors
4. Copy of Baypath Minutes – Richard Cygan
  - a. BayPath Board Highlights attached as Att. #1
5. Transportation Report - Jeanne McGeough
  - a. Transportation Report attached as Att. #2
6. July 17<sup>th</sup> will be date for State Mass Fishing Program
  - a. Marlborough Fish and Game will sponsor Mass Wild Angler Education Program
    - i. A Fishing Clinic will be held for Grandparents and Grandchildren from 8:30 to 11:30

7. Trips:

- a. Someone needs to be here at the Center in case of emergency with contact information
- b. Trip Captain makes ensures all goes well on trip and everyone is accounted for.
- c. Trip Captain will only be a staff member moving forward.
- d. Discussion on why the Center does not plan trips to the theater. Theater tickets must be purchased in advance and paid for by Senior Center. If the trip does not fill the Center losses the ticket money.
- e. Handicap trips are not always available.

8. Senior Center Residents Tax Program (SCRPT) Marlborough City off-set taxes

- a. It is not a lottery, applicants must have skill set
- b. There are 12 jobs in spring and 12 in fall.
- c. Work March thru June OR September thru December
- d. One person per household
- e. Application closed February 27 2019

Respectfully Submitted,

Leslie Biggar (Fill in)

## Board Meetings for 2019

February 27  
May 22  
September 25  
December 18

March 27  
June 26  
October 23

April 24  
July 24  
November 20

### Legislative breakfast

BayPath is hosting a Legislative Breakfast on Friday, February 8<sup>th</sup> in the boardroom at 9:00am. Confirmed attendees so far are Representative Danielle Gregoire of Marlborough, Representative Carolyn Dykema who represents Holliston, Hopkinton, and part of Westborough. Our state Senator, Jamie Eldridge is sending a Legislative Aide. We look forward to sharing our programs with them.

### Quality Improvement Plan

Ms. Alessandro shared BayPath's Quality Improvement Plan with the board. This document is a comprehensive list of our performance measures. The Quality Assurance Committee will prioritize these measures and determine each month which ones will be presented to the board. Next step will be to look at outcome based data that will show how BayPaths programs have changed or improved the livelihood of our consumers.

### Strategic Plan – Rebranding Committee

BayPath's Rebranding Committee met in January to discuss the scope of work that would need to be completed for a name change, logo, marketing, and also the changes to the BayPath website. Ms. Alessandro contacted four communications agencies from the MetroWest/ Worcester area to begin meetings. Ms. Alessandro has also met with other agencies that have changed their names to highlight the pros and cons of the entire process.

### Workforce Development and Home Care Aide Registry

Ms. Alessandro talked about the Home Care Aide Registry and the continuing issues all agencies are having in finding available home care and personal care aides. She also presented several bills that are going before the Legislature; An Act Relative to Intensive Case Management for Clinically Complex Older Adults, An Act Promoting Affordability of Home Care Services, and An Act Relative to Home Care (Enough Pay to Stay). Ms. Alessandro encouraged all board members to contact their legislators and ask them to sign on to these bills.

### Gen Silent Film

BayPath has purchased the film Gen Silent. This film focuses on the LGBT community and history by show-casing the lives of different LGBT people and their personal experiences. The film runs about 1.5 hours. Ms. Sheehan encouraged all Council's on Aging to consider showing this in their communities. Our staff member, Julie Nowak, will facilitate a discussion with every showing.

## 2019 Jan BayPath Board Highlights (A5902728).DOCX

**Home Care Programs:** Total 1,141 consumers enrolled

### **Town Analysis**

Town	Consumer #	Town	Consumer #
Ashland	43	Natick	113
Dover	3	Northborough	32
Framingham	208	Sherborn	1
Holliston	42	Southborough	12
Hopkinton	28	Sudbury	43
Hudson	73	Wayland	22
Marlborough	104	Westborough	25

Enhanced Community Options Program (ECOP)	245
Choices Program	154

### **Nutrition - Meal Days - 20**

TOWN	TOTAL	TOWN	TOTAL
Ashland	401	Natick	1318
Dover	17	Northborough	229
Framingham	4580	Sherborn	87
Holliston	545	Southborough	274
Hopkinton	282	Sudbury	397
Hudson	1168	Wayland	865
Marlborough	2497	Westborough	301
		Total	12,961

**MARLBOROUGH SENIOR CENTER TRANSPORTATION REPORT**  
**MONTH OF JANUARY, 2019**

**TOTAL NUMBER OF TRIPS = 123**

**BROKEN DOWN**

**SUPERMARKET/SHOPPING/RESTAURANTS = 19**

**SENIOR CENTER = 50**

**CITY VAN- OTHER = 37**

**MWRTA = 17**

**NEW APPLICANTS = 2**

**NEW RIDERS = 0**

Marlborough Historical Commission  
March 7, 2019  
Marlborough Public Library, Reading Room (Lower level)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 MAR 22 A 9:44

Attendees: Robert Fagone, Lee Wright, Melanie Whapham, Alan Slattery  
Associate Member Brendan Downey, Associate Member Andrea Bell  
Bergeron

Meeting called to order 7:03PM

Minutes approved from last month's meeting; no changes.

A. Correspondence and Communication:

- 1.) Email. Resident Matthew Sargent interested in pursuing cemetery clean-up and marker proposals through The Sons of the American Revolution organization and the Sons of the Civil War Veterans Association. Both organizations will pick up costs. Chair will follow-up with DPW Forestry/Cemetery division.
- 2.) Fagone attended the MAPC Municipal Vulnerability Meeting held at Jericho Hill. PowerPoint presentation and wrap-ups will be distributed to Committee members when available. This was a Committee outreach activity.
- 3.) With Margaret Cardello, Fagone visited renovation of Woburn Public Library as an example of fusing a modern addition to a historically significant older building. In preparation of Marlborough's renovations.
- 4.) Telephone Conversation with builder working on barn/garage ready for demolition at 32 West Main Street; question of "historical significance" since it is within the West Main Street National Register district of historic places. Finding: building is already "signed" as condemned. Roof has collapsed and open to the elements. West wall sagging. The residence at 32 West Main Street has already been vinyl-sided and remodeled to the point that historical significance is negligible. The barn/garage may be salvageable for wood but the building as a whole is no longer historically significant to the district.
- 5.) Telephone Conversation with George Voyiatzis re: purchase and refurbishing of the Armory on Lincoln Street. Fagone to follow-up with City Solicitor and the Mass Historical Commission concerning deed restrictions on the property. Continued contact with Voyiatzis since this would be an excellent property to rehabilitate.

B.) Demolition Delay Order. Andrea has made recommendations and feedback. Awaiting an "Executive Summary" report from Andrea and Melanie. Will present to City Council President Ed Clancy first to get direct feedback before proceeding to official/municipal presentation.

C.) Historic Home Signage still on the back burner. Chair not convinced the High School product is "inappropriate" in design and material. Perhaps work toward producing a small test batch to gauge home-owner interest and awareness. 40 Houses selected or thereabouts. Press release. Community outreach. This has to be "managed" properly.

D.) As noted in A 3.) above Committee needs to be involved seriously with new library renovation and design. Cardello is committed to having the Committee as a presence with the newly hired Project Manager and the ultimate Architecture Firm.

E.) John Ghiloni has confirmed to Chair that "Historic Roads Signage" Project is a work in progress.

F.) Museum in the Streets ® project on track for a Memorial Day roll-out.

G.) Fagone will include some kind of statement in Public Agenda Notice that the public is invited to participate at each meeting, but specific topics should be made known to the Chair before the meeting opens so that topics can be addressed in their proper order.

No further business. Motion to adjourn. Seconded. Meeting adjourned 8:23PM

Respectfully submitted,  
Brendan Downey, Associate Member



**Minutes of the Licensing Board Special Meeting Held Monday, February 11, 2019**  
at 12:00 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF HANBROUGH  
2019 APR -1 A 9 34

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Member; David Bouvier, Member;  
Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 12:00 PM

**Reports from Chairman – Class 2 licensing process/zoning change**

After much discussion it was decided that the Board would submit further recommendations to limit the number of departments that should need to be involved in each dealership application process, thus limiting the time applications would take from start to finish and reduce the number of times an applicant would need to come in front of the Board.

Respectfully submitted,



Walter Bonin, Chairman

**Minutes of the Licensing Board Meeting Held Wednesday, February 27, 2019**  
at 7:30 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MAINTENANCE  
2019 APR -1 A 9 34

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Member; David Bouvier, Member;  
Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

**New Business**

**1. ONE DAY PERMITS**

• **Masonic/Jacobs Hall – 8 Newton St. (4)**

Member Mitrakas motioned to table no representative present, seconded Member Bouvier Board vote: 3-0 approved

• **St Matthias Parish – 409 Hemenway St. (1)**

Member Bouvier motioned for approval, seconded Member Mitrakas Board vote: 3-0 approved

**2. Application Change of Manager – Courtyard by Marriott, 75 Felton St.**

Andrew Lipton, Atty and Blake Alleyn Applicant present

Member Bouvier motioned for approval of Blake Alleyn as manager, seconded Member Mitrakas, Board vote: 3-0 approved

**3. Application new All Alcohol License –  
Double T's Weed Street Tavern, 11B Florence St**

Tom Peretzian (mgr.) and Tom Peretzian Jr, present

Public Meeting Open 7:32 pm

Councilor Ossing spoke in favor of the applicants and for approval of the application

There were no comments against and no public questions

Public Meeting Closed: 7:37 pm

Member Mitrakas noted that a copy of the signed lease needed to be turned in before the application could be sent to the ABCC. Applicant said they would drop it off at the Board's office tomorrow.

Member Mitrakas motioned for approval of the new all alcohol license for Double T's Weed Street Tavern with the provision of the lease being submitted, Member Bouvier seconded; Board vote was 3-0 to approve.

**4. Application New Wine and Malt Beverages License –**

**Half Axe, 21 Apex Drive, Suite 4A**

Ryan McLane Atty., Derrick Johnson, President and Co-founder

Public Meeting Open 7:40 pm

Atty Ryan presented the application and included that the establishment would use wrist straps or handstamps to designate those of age to drink as well of number of drinks ordered. Councilor Ossing spoke in favor of the applicants and for approval of the application

Public comments: Councilor Dumais was present and wanted to remind the Board to keep in mind the big picture and to consider the neighborhood which borders the Apex complex and the number of liquor licenses that have already been approved, making the complex a concentrated area for drinking and all that can accompany such activity.

There were no public questions

Public Meeting Closed: 7:46 pm

Upon review of the floor plan the applicant was requested, prior to the application going to the ABCC, to note on the plan more clearly the service area for the alcohol and the storage area and how it would remain secure

Member Bouvier motioned for approval of the new Wine and Malt Beverages license for Half Axe with the addition of the revised floor plan, Member Mitrakas seconded; Board vote was 3-0 to approve.

**7. Reports from Chairman –**

- **Class 2 licensing process/zoning change**

Chairman Bonin reported that he would be meeting, with City Council President Ed Clancy and Building Commissioner Jeff Cooke to go over the licensing procedure for car dealerships and see if a final process could be agreed upon.

- **Liquor License and Allora Ristorante**

As Allora renewed their license for 2019 but did not inform the Board that they were closing and of their intentions for their liquor license the Board has instructed the clerk to contact the license holder and ask them to come in to the next meeting on March 27, 2019 to explain next steps.

Member Bouvier motioned for clerk to contact and invite Allora Ristorante owners to March 27<sup>th</sup> meeting, Chairman Bonin seconded, Member Mitrakas abstained from proceedings and vote. Vote 2-0

- **Embassy Suites' Request**

Chairman Bonin received a call from Richard Tomanek, manager at Embassy Suites at 123 Boston Post Road W, requesting if the hotel could sell out of the gift shop, to registered guests of the hotel, beer and wine to consume on the premises. This is a

practice that is popular in Boston hotels. Having reviewed the Embassy Suites' license, and the law, the Chairman concluded that it could be done. A mandatory sign must be placed in a conspicuous location in the shop stating that alcohol may only be bought by registered hotel guests, charged to the room, consumed on the licensed premises only and only in the amount allowed under the Happy Hour Amounts Law.

The Board agreed that allowing such sales of alcohol in this manner to registered guests is proper within the guidelines of the hotel's liquor license.

**8. Misc. Correspondence and Open Issues**

- There were no correspondence and open issues

**9. Review minutes –**

February 27, 2019 regular meeting - Member Mitrakas motioned to approve meeting minutes and place on file, Member Bouvier seconded the motion; Board vote: 3 – 0.

Member Bouvier motioned to adjourn the meeting at 8:10 pm. Member Mitrakas seconded; Board vote: 3-0.

The next meeting of the Licensing Board is Wednesday, March 27, 2019.

Respectfully submitted,

A handwritten signature in black ink that reads "Walter Bonin". The signature is written in a cursive, slightly slanted style.

Walter Bonin, Chairman

**Minutes of the Licensing Board Meeting Held Thursday, March 21, 2019**  
at 12:00 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2019 APR -1 A 9:34

Attending: Walter Bonin, Chairman; David Bouvier, Member; Tina Nolin, Clerk

Absent: Gregory Mitrakas, Member

Meeting called to order by Walter Bonin, Chairman at 12:00 PM

**New Business**

**1. ONE DAY PERMITS**

• **Masonic/Jacobs Hall – 8 Newton St. (1)**

Member Bouvier motioned for approval, seconded Chairman Bonin

Board vote: 2-0 approved

Respectfully submitted,

*Walter Bonin*

Walter Bonin, Chairman



## MARLBOROUGH PLANNING BOARD

MARLBOROUGH, MA 01752

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
MAR 27 2019

## Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Philip Hodge, Sean Fay, George LaVenture, Chris Russ and Matthew Elder. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider and Planning Board Administrator, Krista Holmi.

## 1. Meeting Minutes

## A. February 25, 2019

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the meeting minutes of February 25, 2019 as amended. (Two minor typographical edits.) Motion carried.

## 2. Chair's Business

- A. Set Public Hearing Date – City Council Order No. 19-1007552, Section 650-8, "Boundaries Established" Proposed rezoning of Map 82, Parcels 112 and 113, and adjacent portions of John Street to the center line in the Business District. (31 and 35 John Street) Mirick O'Connell Attorneys at Law on behalf of St. Mary's Credit Union. Public hearing set for April 8, 2019.
- B. Notice: Public Listening Session - Municipal Vulnerability Preparedness (MVP) Draft Report, March 25, 2019, 6:00-7:00 pm, Memorial Hall. Presenters - City of Marlborough MVP Team Coordinator and The Metropolitan Area Planning Council.  
Ms. Fenby asked how the session would be advertised. Ms. Holmi informed the Board that a press release had been sent to all local news outlets, the notice is on the City Website, posted on the City's Facebook page and entered into the community calendar. Additional invites will be sent to Council members and the workshop attendees.
- C. Ms. Fenby reminded the Board and members of the public that one vacancy remains on the Planning Board. As vacation schedules sometimes conflict with meetings, it is preferable to have a fully staffed Board. Spread the word to anyone who may be interested in serving.

## 3. Approval Not Required

- A. ANR APPLICATION – Applicant: Atlantic-Marlborough Realty, LLC, 205 Newbury Street Framingham, MA 01701; Engineer, SMMA 1000 Massachusetts Ave, Cambridge, MA 02138; Professional Land Surveyor, BSC Group, 33 Waldo St., Worcester, MA; Description of Property- Middlesex South Registry of Deeds, Book 66945, Page 193 (Off Forest Street and Simarano Dr.)  
Mr. LaVenture read the March 11, 2019 recommendation letter by Assistant City Engineer Collins into the record. After completing his review of the subject plan, Engineering provided a favorable recommendation to the Planning Board to endorse the above referenced plan. On a motion by Mr. Fay, seconded by Mr. Russ, the Planning Board duly voted to accept and file the letter and endorse the 02-28-19 plan of land believed to be "Approval Not Required Under Subdivision Control Law". Motion carried.

## 4. Public Hearings

- A. Public Hearing Order No. 19-1007533, Proposed Zoning Amendment-Chapter 650-36- to create the Executive Residential Overlay District. (Simarano Drive and Cedar Hill Road Area). Brian Falk and Arthur Bergeron of Mirick O'Connell, Attorneys at Law on behalf of Post Road Residential, LLC. Thomas and Andrew Montelli, Post Road Residential, 11 Unquowa Road, Fairfield, CT.

Ms. Fenby opened the public hearing. Mr. LaVenture read the public hearing notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

**Presentation:**

Brian Falk and Arthur Bergeron of Mirick O'Connell introduced the proposed zoning amendment. The amendment covers approximately 43 acres of undeveloped land currently zoned industrial and limited industrial. Mr. Bergeron stated the site is so large, that it can support its own overlay district. The property was purchased in 2000 by Boston Properties; however, no viable projects have come to fruition despite the existence of a 2004 approved office building site plan. The project under the new proposed zone, the Executive Residential Overlay District, is a phased apartment development of high-end, high-quality, multi-family residences. Other uses in future phases could potentially contain complimentary restaurants, commercial or co-working spaces. A slide from the proponent's PowerPoint presentation indicates a favorable tax advantage of \$793,340 (when comparing the equivalent development areas of Boston Properties' A & B office building project vs. Phase 1 and Phase 2 of the proposed Post Road Residential project.)

Mr. Thomas Montelli of Post Road Residential continued the presentation by sharing some historical data on Marlborough's total office vacancy rates (1988 to today) as well as a snapshot comparison of the Boston, Cambridge, RT 128 and 495 Office & Lab / Class A & Class B markets. Mr. Montelli used the market snapshot to answer a question that often comes up during rezoning: Shouldn't the City have a land bank for future office expansions? Boston Properties has considered the financial feasibility of an office development and Mr. Montelli stated that the "Demand-Side Vacancy vs. Rent Growth Potential" does not support office expansion in this area. Boston and Cambridge are strong markets garnering approximately 72% of venture capital investment. He added that 65% of job openings are in those markets as well. Stagnant rents in the Marlborough area cannot support the high costs of office space development.

Mr. Andy Montelli spoke next. He explained that Post Road Residential has been working on this project for about 15 months. He has approximately 32 years of experience working with both Trammell Crow and Fairfield Residential (Stonegate Project). He explained that the competitive players in this market, Avalon and Talia, operate on volume. He differentiated Post Road Residential as more lifestyle oriented with a thoughtful and careful design approach inspired by boutique hotels. He showed slides representing some of their projects. Mr. Montelli stated that many of their residents are relocated from out of state. They don't know their neighbors and at Post Road, they feel a responsibility to create a community feel with planned events and activities for residents.

Mr. Bergeron summarized that the zone only applied to the outlined area and reiterated the tax differential of residential development vs. office development. Mr. Bergeron, while commending the neighboring development (TJX, GE, Quest area), he pointed out that those buildings were repurposed, and were not built from the ground up.

**Speaking in Favor:**

As no person spoke in favor of the proposed amendment. Chairperson Fenby closed that portion of the hearing.

**Speaking in Opposition:**

As no person spoke in opposition to the proposed amendment. Chairperson Fenby closed that portion of the hearing.

**Questions and Comments from Board Members:**

Mr. Fay commented that when evaluating these zoning changes, two questions need to be answered: Does the new zone fit into the surrounding neighborhood? Does the new zone adversely impact the neighbors? Mr. Andy Montelli responded by stating this site is removed from single family residential areas, and this development provides a project differentiated from offerings by either Avalon and Talia. This project will look more like a design from the Boston or Cambridge markets.



Ms. Fenby noted that there appears to be a trail system throughout the property. She asked whether the public could have access. Mr. Montelli said that the site is designed for private use by the residents, but they would be willing to look at providing public access if that is what the City desired. They have spent time designing around the site (which includes wetlands) and they have 4500 feet of trails planned throughout.

Mr. DiPersio asked how the requested 80' maximum height was selected. Mr. Montelli explained that a wood frame structure is limited to 5 stories, or 6 stories using a podium. Heights above that require a steel structure. He explained the area's current market does not financially support the costs associated with steel structure construction. Mr. LaVenture asked how many stories would equate to 80'. Mr. Falk explained that the 80' was selected rather than a specific "stories" specification, since the definition of stories has a lot of gray area.

Mr. Elder asked the proponent to explain a bit more about the eligible uses in the zone. Mr. Montelli explained that Phase I and II are fully residential. Phases 3 and 4 could contain complimentary uses such as a fitness establishment or other amenities such as neighborhood dining, a great local coffee shop, retail or other lifestyle-related uses that could make the development even more desirable.

Mr. LaVenture asked Mr. Montelli to quantify the full project's ideal percentage mix of residential vs. retail. Mr. Montelli speculated that a 90% residential (possibly inclusive of age restricted housing) and 10% other, which could be either retail, a gym, co-working space or a restaurant.

If the amenities make the development more desirable, Mr. Hodge wondered why not build some of the other amenities up front when you build the 450 residential units? It is not uncommon for these ideas to be presented and then not ultimately happen. Mr. Montelli said there is a saying in the industry. Retail follows rooftops. Retail brokers say that RT 20 is hot right now, and mixed uses are going to gravitate to RT 20. The residential piece needs to come first to create demand.

Mr. Russ noted the large surface parking areas in the development. He asked whether underground or structure parking could reduce the need for these surface lots. Mr. Montelli explained that structured parking is too expensive for this area. The design is a function of economics. He did offer that his organization has a lot of talent that is working on creative design elements such as rain gardens, solar and geothermal elements.

With no further comment from the Board, Ms. Fenby closed the public hearing.

## **5. Subdivision Progress Reports (Updates and Discussion)**

### **A. Engineer's Report- Subdivision Status Report**

City Engineer DiPersio informed the Board that the Public Services Committee is expected to report out their recommendation for street acceptance of Goodwin St. and McDermott Way (Cider Mill Estates). The full City Council will still need to vote. There are no further updates.

## **6) Preliminary/Open Space /Limited Development Subdivision Submissions / Updates**

### **A. Hager St. Open Space Special Permit**

#### **i. Comments from Engineering re: Certificate of Vote**

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to waive the reading of the March 7, 2019 correspondence from Assistant City Engineer Collins. The letter details Engineering's initial review of the Certificate of Vote document, which was submitted by Engineering Design Consultants on 2-11-19 as part of the Open Space Special Permit application process. The letter identified numerous corrections to the procedural findings, project findings and conditions. Mr. LaVenture thanked the Engineering Division for their thorough review and comments. City Engineer DiPersio summarized that the Special Permit establishes the # of Lots, the open space protection and disposition. After that, Mr. Bemis will need to submit an ANR for the development lots.

ii. Correspondence from Solicitor Rider

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to waive the reading of the March 8, 2019 correspondence from City Solicitor regarding Legal aspects associated with the Hager St. Open Space Permit application. His extensive review identifies several issues of the proposed development, including the proposed use and ownership of the Open Space Parcel and the proposed extent of the Conservation Restriction. Solicitor Rider indicated that the review brings clarity to zoning issues related to the proposed development as well as the formulation of the Conservation Restriction.

Mr. Fay said that it would be a mistake to just consider the current ownership and his desired use, but to consider what types of animals the next owner of the adjacent parcel might want to raise when the current owner is no longer in control of the livestock using the open space parcel. Mr. Fay expressed concern about the disposition of the animals being raised by future owners. Ms. Fenby agreed that the Conservation Restriction is based on the current owner's proposed use. Mr. LaVenture was concerned that the LLC, as the proposed owner of the open space parcel, could effectively block any amendment of the rules and regulations of the Open Space Parcel.

Mr. Bemis acknowledged that a further extension of the decision on the Open Space Special Permit is required. He will prepare an extension request for the next meeting, March 25, and will include a workable timetable. Mr. Bemis restated the intent of the proposed development. His client wishes to build three house lots, while preserving an open space parcel for the grazing of cows. In evaluating the next steps, Mr. Bemis will be concentrating on Solicitor Rider's conclusions and make the necessary changes to maintain the project's viability. He does not wish to withdraw without prejudice, which was suggested by Chair Fenby. He wishes to proceed now.

Mr. Fay repeated his understanding of Solicitor Rider's summary comments. The portion of the open space parcel in Marlborough appears to conform to agricultural use zoning, but there is a portion of the open space parcel in Framingham that appears to not allow this agricultural use. Does this mean that a fence erected for the containment of livestock would need to divide the Marlborough and Framingham land? Solicitor Rider thinks it's important that these questions are answered by Framingham.

Ms. Fenby polled the Board members to gauge their support for the project. Mr. Russ was generally in favor but would like the conditions to be clear in limiting the number of animals allowed in the open space. He also thought there should be some specificity on fence type and whether there was an easement for trails included. Mr. LaVenture would like to preserve the open space site view from Route 20. He also wondered if there was a plan for recovery of any animal that may wander off the site. Mr. Bemis responded that cows have grazed on that parcel for the past 30-40 years without incident and felt confident that would continue. Mr. Fay is a proponent of an electric fence to contain the animals. He also said the ownership of the open space is non-negotiable. The ordinance is specific to the available options. Mr. Fay also wants there to be further clarity on who would be allowed to use the open space. Could the public use the space? Could cows owned by a third-party graze on the land? Mr. Hodge is generally in favor of a proposal that preserves open space but acknowledged that the applicant still has a lot of work to do, particularly considering Solicitor Rider's comments. Mr. Bemis said that maybe it would come down to just becoming open space and not include the agricultural use aspect. That's not desired, but if the obstacles are too great, it may come to that. Mr. DiPersio said that additional details on how the open space will be maintained are necessary. Will it be mowed? If they no longer graze cows, could the lot be reforested? Mr. Bemis felt the intent would be to mow the property. Mr. Fay asked whether his client had considered a long-term lease with the homeowners' association. He suggested something like 10 years, not 50. Mr. Fay said the intent of the open space development is not for the hobby of an individual owner, but he does see value in preserving land and maintaining the rural look and feel of the open space by having grazing cows.

## 7. Definitive Subdivision Submissions / Updates (None)

## 8. Signs

- A. Application for Sign Appeal/Variance – 342 Boston Post Road East, James Hall, Attorney, Adler, Pollack & Sheehan on behalf of Colbea Enterprises, LLC.

Attorney Hall introduced himself as representative of Colbea Enterprises, LLC. He is seeking variance relief on several sign-related issues at the proposed Seasons Gas Station and Corner Market at 342 Boston Post Road East. He described the project as “high-end” with many improvements over the existing station at that location.

Mr. LaVenture read the February 26, 2019 letter from Code Enforcement Officer Wilderman regarding the Colbea Enterprises, LLC sign application at 342 Boston Post Road East. Ms. Wilderman details several elements of the application she indicates require variances from the Planning Board. Ms. Fenby instructed Attorney Hall that the Board would address each instance individually.

- **Freestanding Sign: Section 526-13 of the City Code (specific to digital display signs) requires “From sunrise to sunset, the background or field shall be a single color and the message shall be a single contrasting color.” Applicant proposes two separate colors for regular and diesel fuel.**

Mr. Hall explained that industry standards use red to signify regular gas pricing, while green is used to represent diesel fuel pricing. Utilizing one color to signify both fuel types would be confusing to the public accustomed to this color-coded pricing convention. The applicant wishes to use this color convention on both the free-standing sign and on the pumps. Mr. Hall believes the Board may grant desirable relieve without substantially derogating from the intent and purpose of the chapter. Larry Coburn, Chief Strategy Officer of Colbea Industries, supported Mr. Hall’s comments regarding industry standards. Planning Board member Elder spoke in support of the variance. As an individual who has experience driving diesel vehicles, he explained that drivers are absolutely looking for green. He supported the applicant’s justification stating that green and red pricing adds clarity and won’t distract drivers looking for the diesel pricing. He said he would drive right past a station not displaying green. Mr. La Venture expressed that he is not in favor of addressing these sign variance requests in a piecemeal fashion. He is firm in his belief that the City should review the ordinance and set the desired standards.

On a motion by Mr. Hodge, seconded by Mr. Russ, the Board voted to grant the variance allowing the display of red to represent regular gas pricing and green to represent diesel pricing. The variance is allowed on the requested free-standing sign and at individual pumps. Motion carried. Mr. LaVenture opposed.

- **Digital Display Signs: Chapter 526.13 states: “EMC signs shall only be permitted as part of a freestanding sign and shall comply with all the requirements of Section 526-9. There shall only be one EMC sign permitted on each nonresidential-zoned parcel.” Applicant proposes LED pricing signs and video display signs at each pump.**

Attorney Hall stated that Colbea Industry proposes to utilize built in digital display signs at individual pumps. He acknowledged the Board had previously denied another request for similar devices; however, Colbea is willing to utilize the devices for instructional and point of sale transactional use only. They are not proposing to use the devices for advertising at this time. Mr. Hall introduced the Board to Andrew DelliCarpini, CEO of Colbea Industries.

Mr. DelliCarpini from Colbea Industries, Smithfield, RI, explained that the digital displays can display sports, weather, advertising, etc. The displays Colbea utilizes at the pumps are designed to operate only when a customer lifts the nozzle. They do not run continuously like some other units.

He estimated that the sound on the devices only carries between 5-7' from the pump. Colbea is willing to use the devices for information only, with no sound. He explained that the Seasons brand is his own, and that the way the property looks is an important part of his brand. He likes to limit the signage at his properties and feels that gas pumps are too often littered with signage. These displays can improve the look of properties by replacing typical signage. He said his stations look more like parks than gas stations. Mr. Fay questioned, "What is the difference between these displays and what Starbuck's or McDonald's does in their drive throughs?" Mr. DelliCarpini continued that the video displays would be configured with no audio and be used for instructions and point of sale data only. Sound, video or advertising will not be part of the displays unless the City allows for such applications in the future.

Mr. LaVenture hates to be a stickler on these issues but is firm in his believe that the City should re-evaluate and rewrite the ordinance to add additional clarity. The City has no yardstick to evaluate modern-era signage and point of sale devices. Mr. Hodge is fine with the video displays if there is no audio. Mr. Elder does not think these devices pose a noise issue. He thinks that allowing informational and point of sale use is a good start. He is in favor of the variance request.

On a motion by Mr. Fay, seconded by Mr. Russ, the Board voted to grant the variance to allow both digital displays and pricing displays on each side of the five pumps, conditioned on the following restrictions:

- Audio shall be prohibited from the digital display signs or pricing display units.
- Digital Display Signs shall be utilized for informational and point of sale transactions only.
- Video and advertising shall be prohibited from the digital display signs and pricing display units

Motion carried. Mr. LaVenture opposed.

- **Flat wall signs: Based on the linear footage of the proposed building, you are allowed a total of 100 square feet of flat wall signage. Applicant proposes 150.1 square feet.**

Attorney Hall believes that his client's requested variance does not derogate form the intent and purpose of the ordinance.

Mr. Fay said that the applicant has not demonstrated significant hardship or a public benefit in deviating from the City's standards. As an example, he used larger signage provided at a busy intersection that would benefit the public's safety. He said the Board has previously denied signage to Price Chopper who wished to exceed the flat sign allowance. The Board said the signage would have dominated the entire building. Mr. DelliCarpini responded that his signature "Seasons" sign is custom made in a channel design that is open between letters. It is specially made for his properties and is properly sized since the mandatory gas canopy would obscure a smaller sign. He went on to say that the "Corner Market" decal sign and "Welcome" signs are part of his branding. Mr. Hodge suggested that this signage could be moved inside to the windows. The applicant has other options but has chosen to use external flat wall signs.

Chairperson Fenby asked for a motion on the requested variance for flat wall signs. Mr. Elder motioned to approve the request flat wall sign variance. The motion was seconded by Mr. Fay. The motion did not carry.

On a motion by Mr. LaVenture, seconded by Mr. Hodge, the Board voted to deny the requested variance for **Flat Wall Signs**. Motion carried.

The applicant failed to convince the Board that granting of the variance would not substantially derogate from the intent and purpose of the chapter.

#### 9) Informal Discussion (None)

#### 10) Unfinished Business (None)

**11) Calendar Updates**

- A. April 8: Public Hearing on proposed zoning amendment Council Order 19-1007552, Section 650-8, "Boundaries Established" Rezoning of Map 82, Parcels 112 and 113 (31 and 35 John St.) and adjacent areas of John St.

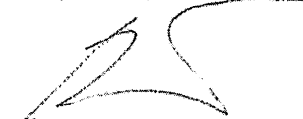
**12) Public Notices of other Cities & Towns**

- A. City of Framingham –3 Notices

On a motion by Mr. Elder, seconded by Mr. LaVenture, the Board voted to accept and file the notices.  
Motion carried.

On a motion by Mr. Elder, seconded by Mr. Russ, the Board voted to adjourn the meeting of the Planning Board.  
Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'George LaVenture', written over a horizontal line.

George LaVenture/Clerk

/kih

Minutes  
Retirement Board Meeting of  
February 26, 2019

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CITY OF MARLBOROUGH

2019 MAR 26 P 3:43

The monthly meeting of the Marlborough Retirement Board was held on February 26, 2019. Gregory Brewster, William Taylor, Diane Smith, David Keene, Daniel Stanhope, and Margaret Shea were present.

1. The meeting was called to order at 8:15 a.m. Chairman Brewster announced that William Taylor would act as Chairman for the meeting.
2. The Board reviewed the minutes of the meeting of January 29, 2019. A motion was made and seconded to approve. Vote unanimous.
3. The next item on the agenda was a hearing regarding Alyssa Stetson's application for accidental disability retirement. Ms. Stetson was asked if she wanted the hearing to be held in executive session. She agreed. Chairman Taylor made a motion that the Board go into executive session to discuss medical information concerning Alyssa Stetson's application for accidental disability retirement. Motion was seconded and a roll call vote was taken.

Taylor – Yes  
Smith – Yes  
Keene – Yes  
Stanhope – Yes  
Brewster – Yes

Vote unanimous. The Chairman announced that the regular meeting of the Marlborough Retirement Board would reconvene after the close of the executive session.

4. Executive session.
5. The regular meeting of the Marlborough Retirement Board was reconvened. Chairman Taylor asked the members if they had questions or comments. There were none. A motion was made and seconded to approve Alyssa Stetson's application for accidental disability retirement. Vote unanimous.
6. The Board met with Henry Jaung and Stephen MacLellan of Meketa for a review of the 2018 investment performance. The fund lost 4.4% for the year. The fund lost 6.6% in the fourth quarter. The PRIT Core Fund lost 1.8% for the year. Jaung and MacLellan compared the asset allocations between the funds. PRIT had an allocation to private equity of 12% compared to Marlborough's 2%. PRIT also had a 14% allocation to hedge funds. Marlborough also had a significantly higher allocation to domestic equity; 32% versus PRIT's 17% and fixed income assets; 46% to PRIT's 21%.

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Jaung and MacLellan spoke about the results of the Board's recent RFP's for non-core real estate and private equity managers. The Board received fifteen responses for non-core real estate managers. Two firms were rated highly advantageous, nine as advantageous, and 4 non-advantageous. The Board reviewed the comments for each manager and the rationale for the rating by Meketa. Rockwood Capital, LLC and Rockpoint Group, LLC were both rated as highly advantageous. The Board asked Meketa to arrange a meeting with Rockport and Rockpoint. The Board also issued an RFP for Private Equity Fund of Fund managers. The Board received fourteen responses from private equity managers. Two were rated as highly advantageous, four were rates as advantageous, seven were not advantageous, and one was rated not applicable. The Board reviewed the comments for each manager and the rationale for the rating by Meketa. Constitution Capital Partners and HarbourVest Partners were rated as highly advantageous. The Board asked Meketa to arrange meetings with representatives of Constitution Capital Partners and HarbourVest.

7. The Board reviewed a draft of a job description for assistant director. A motion was made and seconded to table to the March meeting. Vote unanimous.
8. The Board reviewed a request from Janet Smith to purchase creditable service for employment as a full-time, long-term substitute educational assistant from November 2006 through end of school year 2007. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.
9. The next item on the agenda was requests for military service credit from Gary Bonneau and Mario Rivera. After review, a motion was made and seconded to approve four years of military credit for Mr. Bonneau and three years and four months for Mr. Rivera. Vote unanimous.
10. The following members had applied for superannuation retirement in January of 2019; Mercedes Roman, Susan Imperato, and Cynthia Panagore-Griffin. After a review of pertinent information, a motion was made and seconded to approve. Vote unanimous.
11. The following members' accounts were scheduled to be transferred to other retirement systems: Douglas Bushman and Philip Saliba. Kendall Garvey of the School Department had applied for a refund of her annuity savings account. Sharon Imperato was due a refund of deductions taken in error. Maurice Lewis, the beneficiary of the late Theresa Sloat, was scheduled to receive an Option B refund. After review, a motion was made and seconded to approve all refunds and transfers. Vote unanimous.
12. The Board discussed votes to increase the COLA base to \$14,000 and increase the Board member stipend to \$4,500. The specific action taken by the City Council concerning the Board's request to accept the COLA Base increase would allow the Board to refile their request this year. This is not the case with the Board stipend. The Board's request that the City Council adopt their vote to increase the stipend to \$4500 was send to committee. The Board cannot resubmit the request to the end of

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this City Council session. After discussion, a motion was made and seconded to request that the City Council accept the Board's vote to increase the COLA base to \$14,000. Vote unanimous.

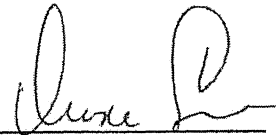
13. The Board reviewed the following firm's disclosure statements: SSGA for Bond Index Fund, SSGA for the TIPS Fund, Frontier Capital, and Payden & Rygel.
14. The next item on the agenda was a discussion regarding PTG's Employee Service Module and Document Scanning Module. A motion was made and seconded to table discussion until the March meeting. Vote unanimous.
15. The Board reviewed the following financial materials: operating budget as of 02/28/2019, cash flow analysis as of 02/28/2019, cash reconciliation for January of 2019, and preliminary cash books, adjustment journal, trial balance, and general ledger for January 2019. A motion was made and seconded to accept and place on file. Vote unanimous.
16. New Business/Old Business was the next item on the agenda. There was no new or old business to discuss.
17. A motion was made and seconded to approve the following warrants: retiree payroll for February 2019, #052019 and #062019. Vote unanimous.
18. A motion was made and seconded to adjourn the meeting. Vote unanimous.



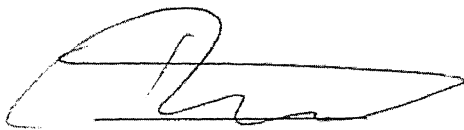
Gregory P. Brewster  
Chairman



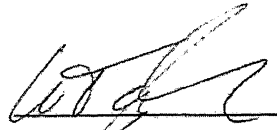
David Keene



Diane Smith



Daniel J. Stanhope



William S. Taylor

February 27, 2019

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CITY OF MARLBOROUGH

2019 MAR 28 A 11:15



**CITY OF MARLBOROUGH  
OFFICE OF TRAFFIC COMMISSION  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752**

**Traffic Commission Minutes**

The Regular Meeting of the Traffic Commission was held on Wednesday, February 27, 2019 at 10:00 am in Memorial Hall, 3<sup>rd</sup> Floor, City Hall. Members present: Chairman - Police Chief David Giorgi, DPW Commissioner John Ghiloni and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins, City Councilor Katie Robey and City Councilor Christian Dumais. Minutes taken by Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Wednesday, January 30, 2019.

MOTION was made, seconded, duly VOTED:

TO APPROVE – All in Favor - Accept and Place on File.

**2 - New Business**

None

**3-Old Business**

**3a) Request for Parking Ban Exception on Monument Ave.**

**Update:** Tim Collins provided an aerial photo of this area with specific lots and sizes noted. He explained that #26 has a “license to encroach” issued by the City which allows them to park cars on the adjacent City owned property. There is a requirement for #26 to provide an insurance binder, however, this had not been provided to the City. They are also only supposed to only park cars in this lot, however, they were also parking boats here. They were advised by the City to move the boats and obtain the proper insurance. There are two homes here, one is a two family and the other is a three family. Mr. Collins believes that when the license to encroach was first issued, the same person owned both properties. The City would like to provide both homes with the license to

encroach so that residents of both homes have a place to park in the winter that would not interfere with snow removal or the parking ban. Mr. Collins also noted that #26 has a fence and shed on the City owned property. They did get a permit for the fence which was initially on their property. The fence and shed have now been moved onto the City owned property. The City does not want the fence removed. They are just trying to figure out the best way to handle the parking issue.

MOTION was made, seconded, duly VOTED to TABLE.

**3b) Public safety issue at the Apex Center.**

**Update:** After the last meeting this issue was referred to the Fire Chief and Site Plan (Priscilla Rider) for further review. Chief Giorgi said that Assistant Fire Chief Jeff Gogan advised that the Fire Department was at this location twice over the weekend. He said it was “a traffic nightmare” and that there is now also a giant crane blocking the roadway so there is only one way into the Apex Center. Assistant Chief Gogan met with Apex Center representatives to discuss the issue. It was determined that there needs to be a meeting with all involved parties, i.e. Apex Center, Fire Dept., Police Department and the City (Priscilla Ryder) to try and figure out a better plan with regard to fire lanes and crosswalks. There was another fire lane on the other side that was also blocked by cars.

MOTION was made, seconded, duly VOTED to TABLE.

**3c) Request for speed limit signs on Prospect Street.**

**Update:** Tim Collins passed out several diagrams of the Prospect Street area with the distance between the homes marked. In order for an area to be considered “thickly settled” there is a requirement of 200 feet between the houses. The average distance here is 52 feet between houses. The issue is that most of the streets in the area also qualify as “thickly settled”. Mr. Collins highlighted the diagram to indicate which streets have an existing speed zone and which qualify as “thickly settled”. He does agree that Prospect Street is used as a cut through, however, he is not recommending that Prospect Street be marked as thickly settled because all the areas around it could ask for the same thing.

Chief Giorgi said that Officer Larose had put the speed signs out here to collect traffic data. Officer Larose had the signs out from 1/15/19 to 1/18/19. He found that the average number of cars per day was 442, with the 85<sup>th</sup> Percentile traveling at 22.97 MPH. Based on these statistics, there is no need to place a sign here. Mr. Collins said that if people want to speed they will. The “thickly settled” sign will not stop them.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE on FILE. SGT. Campbell can continue with enforcement.

**3d) Request for a crosswalk at John Street and Maple Street.**

**Update:** Tim Collins advised that the reconstruction plan in this area is still under review. Chief Giorgi advised that he did reach out to the resident who made the initial request and showed him a picture of the proposed diagram with the island and advised that it is all still under review. It was also noted that there is an existing crosswalk at the playground but that it would be nice to have a crosswalk and sidewalks leading all the

way up to the playground. Maybe there could be some money available with the John Street and St. Mary's reconstruction project.

MOTION was made, seconded, duly VOTED to TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:20 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

**List of documents and other exhibits used at the meeting:**

- City of Marlborough Meeting Posting for Traffic Commission Meeting on Wednesday, February 22, 2019, including meeting agenda.
- Draft of Traffic Commission Minutes from Wednesday, January 30, 2019.

**Additional Handouts:**

- Aerial photo of Monument Street area with specific lot notations.
- 3 diagrams of different areas of Prospect Street with # of feet between houses noted.
- Diagram of full Prospect Street area with surrounding areas highlighted as to Existing Speed Zones and areas that also qualify as "thickly settled."
- Copy of the Extended Speed Summary Report for Prospect Street.



# City of Marlborough Legal Department

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DONALD V. RIDER, JR.  
CITY SOLICITOR

2019 APR -4 A 11:58

ELLEN M. STAVROPOULOS  
PARALEGAL

April 4, 2019

Edward Clancy  
President  
Marlborough City Council

RE: Executive Session Request –  
Litigation Involving Property off Williams Street

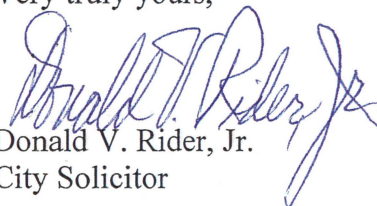
Dear President Clancy and Members:

I respectfully ask for an executive session with the Council on Monday evening to discuss strategy in litigation involving property off Williams Street.

I have enclosed a proposed motion, which includes re-convening in open session.

Thank you for your attention to this matter.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure (Motion)

MOTION:

It is moved, in conformance with MGL c. 30A, § 21(a)(3), that the Marlborough City Council conduct an executive session for the purpose of discussing strategy in litigation involving property off Williams Street, as an open meeting may have a detrimental effect on the litigating position of the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session.